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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Guidelines for Right-of-Way Acquisition

2) Code Citation: 83 Ill. Adm. Code 300

3) Section Numbers: Proposed Action:

300.10 Amendment

300.40 Amendment

300.60 Repeal

APPENDIX A Amendment

4) Statutory Authority: Implementing Section 8-406, 8-503, 8-509, 15-401 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-406, 8-503, 8-509, 15-401, and 10-101].

5) A Complete Description of the Subjects and Issues Involved: On January 1, 1996, Public Act 89-42 became effective, adding Article XV, the Common Carrier by Pipeline Law (Law), to the Public Utilities Act (Act). This addition to the Act moves responsibility for regulation of common carriers by pipeline from the Illinois Commercial Transportation Law to the Act. Section 15-401 of the Law lists certain Sections of the Act that are specifically applicable to common carriers by pipeline. Sections 8-503 and 3-509 of the Act are among those enumerated. The Commission has issued a set of rules for right-of-way acquisitions, to be found at 83 Ill. Adm. Code 300. These rules were adopted in 1982 and have never been amended. With the addition of Article XV to the Act, it is appropriate to amend Part 300 to specifically include common carriers by pipeline within its scope. It is also appropriate to update the various statutory citations in the Part and to repeal a Section dealing with the application of the Part to railroads.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton
Chief Clerk

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will affect any common carriers by pipeline that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Subject entities will need to notify landowners.

C) Types of professional skills necessary for compliance: Managerial skills.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Public Act did not transfer this to the Public Utilities Act until January 1, 1996.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 300
GUIDELINES FOR RIGHT-OF-WAY ACQUISITIONS
(GENERAL ORDER 226)

Section 300.10 Certificate of Public Convenience and Necessity
300.20 Informational Packet
300.30 Negotiation of the Acquisition of a Land Right-of-Way Easement
300.40 Application of this Part
300.50 Revocation of Existing Certificate
300.60 Railroad Company (Repealed)
300.70 Variance
APPENDIX A Statement of Information from the Illinois Commerce Commission
Concerning Acquisition of Rights-of-Way by Illinois Utilities

AUTHORITY: Implementing Sections 8-406, 8-503, 8-509, and 15-401 and
authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-406,
8-503, 8-509, 15-401, and 10-101).

SOURCE: Adopted at 7 Ill. Reg. 339, effective December 23, 1982; codified at 8
Ill. Reg. 12182; amended at 20 Ill. Reg. _____, effective _____.

Section 300.10 Certificate of Public Convenience and Necessity

- a) This Part shall apply whenever Whenever any public utility or common carrier by pipeline seeks to negotiate the acquisition of a land right-of-way easement involving a project which requires a certificate of public convenience and necessity under Section 8-406 or 15-401 55 of the Illinois Public Utilities Act (Act) (220 ILCS 5/8-406 and 15-401) Illinois-Statutes-1987-ch-111-2737-part-557 or whenever a public utility or a common carrier by pipeline seeks an Order under Section 3-503 59 of the said Act (220 ILCS 5/3-503) Illinois-Statutes-1987-ch-111-2737-part-597-chs-3-503-part-597.
- b) Requirements in this Part for proceedings involving public utilities are equally applicable to common carriers by pipeline.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 300.40 Application of this Part

This Part shall be prospectively applied. The Part shall not affect the

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

following:

- a) The validity of any existing Commission certificate.
b) The validity of any easement or subsequent order of the Commission under Section 8-503 59 of the Illinois-Public-Utilities-Act Illinois-Statutes-1987-ch-111-2737-part-597.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 300.60 Railroad Company (Repealed)

this Part shall not apply to a railroad company seeking to exercise the power of eminent domain under Section 17-06 of an Act to provide for the incorporation of associations that may be organized for the purpose of constructing railroad right-of-way easements and operating the same for prospecting and testing the waters and maintaining and operating the same for prospecting and testing the waters and limiting the powers of such corporations when so organized and authorizing the same and all railroad companies of this state to own and hold the stock and securities of railroad companies of other states existing connecting lines. Ill. Reg. Stat. 1987-ch-111-2737-part-197.

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

Section 300.APPENDIX A Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Rights-of-Way by Illinois Utilities

A representative of a public utility is contacting you for the purpose of negotiating with you concerning the acquisition of a land right-of-way for utility purposes over property which you own or in which you have an interest as an owner. This right-of-way is proposed to be used for the purpose of constructing, operating and maintaining certain facilities of the utility on your land, as set forth in the accompanying letter. This project will be further explained in detail to you by the utility representative who meets with you concerning this proposal.

The purpose of this Statement is to provide you with general information concerning the initial procedures involved. This Statement covers several questions commonly asked of the Illinois Commerce Commission staff by landowners.

This Statement is not a legal opinion concerning your rights under the law or the rules and regulations of the Commission nor is it a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Ordinarily, a public utility must obtain a Certificate of Public Convenience and Necessity from the Illinois Commerce Commission under Section 8-406 55 of the Illinois Public Utilities Act [220 ILCS 5/8-406] ~~which~~ ~~rev-~~ ~~Stat-~~ ~~1991-97-CA-111-237-Pat-567~~ before constructing major new facilities. An order pursuant to Section 8-406 55 allows a utility to begin construction on land which it owns or on which it has acquired an easement. The utility files its application with this Commission for the Certificate, and the Commission then notifies the property owners involved of the date, time and place of the public hearing to be held by the Commission on the utility's application. Landowners may participate in the hearing(s), either through oral or written statements, or formal intervention as provided in the Commission's Rules of Practice (83 Ill. Adm. Code 200). During such hearing(s), the Commission considers the public need for the proposed project, the type of facilities to be constructed and the feasibility of the proposed location of the facilities. If the Commission finds that the proposed facility is reasonably needed to provide utility service to the public and approves of its design and location, the Commission will grant a Certificate of Public Convenience and Necessity to the utility for the construction of the facilities.

A utility may choose to seek to acquire land or land rights from landowners prior to seeking a Certificate from the Commission. The utility may also seek to obtain an option to purchase a right-of-way from a landowner. The securing of an option does not oblige the utility to purchase the right-of-way. During the negotiations, you may be represented by an attorney. However, you are under no obligation to retain anyone to negotiate on your behalf.

Negotiation means discussion and bargaining between the landowner and the utility in an effort to arrive at an equitable agreement concerning the land or land rights and the price to be paid for such land or land rights. It does not mean that an agreement must be reached or that either the landowner or the utility must agree with the other. The Commission does not require the utility to obtain by negotiation any fixed amount or percentage of the right-of-way required for the project prior to its applying for a Certificate.

The price to be paid to the landowner by the utility for the land or land rights is a matter of negotiation between the landowner and the utility. The Commission does not participate in the negotiations nor does it establish or approve the price. Specific information on the price to be offered for the land or land rights will be provided by the utility representative.

The utility representative may be negotiating with you for the acquisition of an easement for the use of the land or for the purchase of the land. In either case, the utility will have its own form of easement or deed, as the Commission has no standard forms which the utility is required to use.

If the utility is able to obtain a Certificate of Public Convenience and Necessity for the project and has been unable to acquire the necessary land or land rights from all landowners through negotiation, it may apply to the Commission for an order under Section 8-503.50 of the Public Utilities Act (220 ILCS 5/8-503.50) ~~that~~ rev. Stat., ch. 117, par. 5-50. An order pursuant to Section 503 finds that the project is in the public interest and authorizes and directs the project to be built. The Commission will notify the interested landowners from whom the utility has not been able to acquire the necessary land or land rights through negotiation, of the date, time and place of the public hearings to be held by the Commission on the utility's application. Such landowners may participate in the hearing(s), either through oral or written statements, or formal intervention as provided in the Commission's Rules of Practice. During such hearing(s), the Commission determines, among other things, whether the utility had made a reasonable attempt to acquire the necessary land or land rights through negotiation with the landowner.

If the Commission grants the utility an order under Section 9503 of the Public Utilities Act, the utility still has not been able to acquire the necessary land or rights through negotiation, the utility may then apply to the courts to exercise the right of eminent domain or condemnation under Article VII, Section 7, "Eminent Domain," of the Code of Civil Procedure [CS 5 Art. VII, Section 7]. Eminent domain is simply the power of the State, or those delegated by the State, to take private property for public use upon payment of just compensation as determined by the courts.

There is no certainty that the utility will be allowed to acquire land or land rights through the use of eminent domain. However, you should not delay

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

in contacting the utility's representative to attempt to negotiate fair compensation for the land or land rights which the utility seeks. The Commission encourages you to negotiate vigorously on your own behalf or to have an attorney do so for you.

If you have any questions about this Statement or the rules and procedures of the Illinois Commerce Commission, please contact the Chief Engineer, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706. Any specific questions concerning your individual property should be addressed to the utility representative.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel
- 2) Code Citation: 41 Ill. Adm. Code 140
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
140.1	Amendment
140.2	Amendment
140.8	Amendment
140.11	Amendment
140.12	Amendment
140.13	Amendment
140.15	Amendment
140.16	Amendment
140.18	Amendment
140.20	Amendment
140.50	Amendment
140.55	Amendment
140.60	Amendment
140.65	Amendment
140.70	Amendment
140.80	Amendment
140.90	Amendment
140.110	Amendment
140.130	Amendment
140.171	Amendment
140.180	Amendment
140.185	Amendment
140.190	Amendment
140.200	Amendment
140.215	Amendment
140.220	Amendment
140.225	Amendment
140.230	Amendment
140.232	Amendment
140.241	New Section
140.242	New Section
140.243	New Section
140.245	New Section
140.246	New Section
140.430	New Section
140.500	New Section
- 4) Statutory Authority: 50 ILCS 740/8 and 20 ILCS 2910/1
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates standards to conform to current usage and requirements of other agencies (OSHA) and adds new training programs to comport with

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Federal OSHA Standards. Provisions have been included for reciprocity and for charging fees.

- 6) Will the proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: Participation in these programs is voluntary and no mandates are imposed.
- 11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking: The Office will accept written comments for a period of 45 days after the date of this publication. The written comments should be directed to:

John J. Pavlou, General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703-4259
(217) 785-1031

- 12) Initial Regulatory Flexibility Analysis: These programs are voluntary and impose no additional requirements on any local governmental unit or business.

A) Date the rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 7, 1996

B) Types of Small Businesses and Municipalities Affected: These rules would impact only fire departments.

C) Reporting, bookkeeping or other procedures required for compliance: No difference than under current rules.

D) Types of Professional Skills necessary for Compliance: Certain educational requirements are contained in the rules; they require a person to have a certain level of training in order to train others. Various recordkeeping requirements are contained in the rules and can be achieved without any technical skills.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the 2 most recent agendas because: The need for this rulemaking was not apparent when the most recent agendas were

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

published.

The full text of the Proposed Amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 140

POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

Section

- 140.1 Authority Notes
- 140.2 Definitions
- 140.3 Applicability of Part 140
- 140.4 Program Goals (Repealed)
- 140.8 State Examinations
- 140.10 Division Responsibilities (Repealed)
- 140.11 Resources Required for Certification as a Provisionally Approved Training Facility
- 140.12 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
- 140.13 Certificates Earned by Bypass Examination
- 140.15 Course Approval
- 140.16 Examination Procedures for End-of-Course Exams Not Administered by the Office
- 140.18 Course Approval Equivalency
- 140.20 Requirements for Participation
- 140.25 Course Approval Standards
- 140.30 Developmental Sequence (Repealed)
- 140.40 Certified Firefighter I (Repealed)
- 140.50 Certified Firefighter II
- 140.55 Airport Firefighter
- 140.60 Certified Firefighter III
- 140.65 Certified Fire Apparatus Engineer
- 140.70 Fire Officer I
- 140.80 Fire Officer II
- 140.90 Fire Officer III
- 140.100 Instructor (Repealed)
- 140.110 Interim Instructor
- 140.120 Special Instructor (Repealed)
- 140.130 Fire Service Instructor I
- 140.140 Fire Service Instructor II
- 140.150 Fire Service Instructor III
- 140.160 Fire Service Instructor IV
- 140.170 Airport Firefighter (Repealed)
- 140.171 Fire Prevention Officer I
- 140.180 Public Fire and Life Safety Educator II Fire--Prevention--Education Officer--II
- 140.185 Public Fire and Life Safety Educator III Fire-Prevention-Education Officer--III
- 140.190 Bypass Examination

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- 140.200 Fire Investigator
- 140.210 Arson Investigator
- 140.215 Fire Prevention Inspector II
- 140.220 Fire Prevention Inspector III
- 140.225 Hazardous Materials First Responder-Awareness
- 140.230 Hazardous Materials First Responder-Operations
- 140.232 Hazardous Materials Technician
- 140.234 Chemistry of Hazardous Materials
- 140.236 Hazardous Materials Refresher Training
- 140.238 Hazardous Materials Incident Command
- 140.240 Rescue Specialist-Roadway Extrication
- 140.241 Confined Space/Trench Rescue Awareness
- 140.242 Rescue Specialist - Confined Space
- 140.243 Rescue Specialist - Trench I
- 140.245 Rescue Specialist - Vertical I/Ropes and Rigging
- 140.246 Rescue Specialist - Vertical II/High Angle
- 140.250 Hazardous Materials Specialist (Repealed)
- 140.300 Rules and Regulations for Reimbursement Funding
- 140.305 Prerequisites for Participation for Reimbursement Funding
- 140.310 Requirements
- 140.315 Claim Forms
- 140.320 Claim Deadline
- 140.325 Amount of Reimbursement
- 140.350 Appropriations
- 140.360 Advanced Training Programs
- 140.370 Funding Hours (Repealed)
- 140.380 Prerequisites Necessary to Qualify an Individual for Reimbursement Funding
- 140.390 Advisory Committees
- 140.400 Invalidation of a Student's State Examination Score
- 140.420 Appeals Process
- 140.430 Reciprocity
- 140.500 Fees

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11], and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency expired November 13, 1982; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; emergency expired November 27, 1982; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12944, effective September 23, 1983; amended at 10 Ill. Reg. 4231 effective February 20, 1986; amended at 11 Ill. Reg. 17108, effective October 9, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 11181, effective June 29, 1993, for a maximum of 150 days; emergency expired on

OFFICE OF THE STATE FIRE MARSHAL

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November 26, 1993; amended at 18 Ill. Reg. 12696, effective August 8, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 140.1 Authority Notes

The Illinois Fire Protection Training Act [50 ILCS 740] (~~4411-Rev-Stat-19857 Ch-95-par-531-ret-seq-7~~) (the Act) requires the Office of the State Fire Marshal to establish training programs and to assist the development of training of firefighters throughout the State. Section 1 of the Act requires the Office of the State Fire Marshal, in a Division of Personnel Standards and Education, to have the purpose of:

... encouraging and aiding of municipalities, counties and other local governmental agencies of this State in their efforts to raise the level of local fire protection by upgrading and maintaining a high level of training for fire protection personnel. It is declared to be the responsibility of the Office of the State Fire Marshal to encourage the participation of local governmental units in the programs established by the Office and to aid in the establishment of adequate training facilities.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.2 Definitions

Definitions are those which follow, unless the context requires otherwise:

"Accredit" means to supply with credentials or authority; authorize; certify as meeting a prescribed standard.

"Accreditation" means the act of accrediting or the state of being accredited, especially the granting of approval to an institution of learning by an official review board after the school has met specific requirements.

"Act" means the Illinois Fire Protection Training Act.

"Fire Brigade" means an entity, privately owned, possessing those resources necessary for fire suppression in their own premises.

"Fire Department" means an entity, public or private, possessing those resources necessary for fire administration, fire prevention, fire suppression, fire education and arson investigation.

"Fire protection personnel" and "firefighter" mean any person engaged in fire administration, fire prevention, fire suppression, fire education and arson investigation, including any permanently employed trainee or volunteer firefighter, whether or not such person, trainee

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or volunteer is compensated for all or any fraction of his/her time. (Section 2 of the Act)

"Fire Service experience" means a fire suppression training, fire administration, fire investigation or fire prevention experience in a fire department excluding clerical.

"IFSTA" means International Fire Service Training Association, Oklahoma State University, Stillwater, Oklahoma 74074; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

"Local governmental agency" means any local governmental unit or municipal corporation in this State.

"Maximum reimbursable funding" means the number of hours for which the office will reimburse for training of an individual; this is in addition to tuition and other fees as later described in these rules.

"Member" means an individual engaged by a fire department or fire brigade to carry out assigned duties, whether or not that person is compensated for all or any fraction of their time.

"NFPA" means National Fire Protection Association, Batterymarch Park, Quincy, Mass. 02269; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

"Office" means the Office of the State Fire Marshal.

"School" means any school located within the State of Illinois, whether privately or publicly owned, which offers a course in fire protection training or related subjects and which has been approved by the Office.

"Trainee" means a recruit firefighter required to complete initial minimum basic training requirements at an approved school to be eligible for permanent employment as a firefighter.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.8 State Examinations

Except as otherwise noted in this Part, all State written examinations will be

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENT

developed, provided, and administered by Office personnel. Local Instructors desiring to schedule state examinations should contact the Office to establish a time and place for the examination. While the Office will endeavor to schedule examinations at sites throughout the State as requested, the number of examination requests may necessitate delays and regional testing.

Instructors requesting the State examinations be given should have facilities for the examination. When large numbers of persons are to be tested, Office personnel may request additional assistance of the facility or fire department in monitoring the administration of a test.

- a) Class rooms, lecture rooms, municipal and fire protection department training rooms shall be acceptable facilities provided that space is available for the number of persons requesting to take the examination; desks or tables and chairs shall be provided by the examination center. The room in which the examination is to be given shall be a room customarily used for quiet activities and not subject to loud noise or other activities nearby which might interfere with the need for a quiet area for taking written examinations. Students must be spaced to ensure that they cannot readily observe another's answer sheet. The following specifications for the facility and the administration of the exam must be adhered to:

- 1) Candidates not present in the room at the time the proctor starts the exam will be disqualified from taking the exam.
- 2) There can be nothing on the walls at test site that could pertain to exam questions.
- 3) Test administrator must be provided a table at least 6 feet in length.
- 4) Loudspeakers, monitors, portable radios and beepers must be turned off.
- 5) The department hosting the test must supply a representative from the department at the test site during the exam. This will be the only representative of the department allowed in the test room at the time of the test.
- 6) Test site must have toilet facilities in proximity in the same building.
- 7) All candidates must be in clear view of the proctor's table.
- 8) ~~Exams of Emergency Medical Technician (EMT) or Paramedic cards must be supplied prior to the start of the exam or can be mailed to Division Office the day after exam is given. See Section 140-69~~
- 8.1) The test site must have temperature control for comfort of candidates.
- b) Passing rate for all written certification examinations will be 70% of the test, ~~overall with the exception of Firefighter II and Firefighter III which require 70% of each subject.~~
- 1) Firefighter II and Firefighter III exams including Hazardous Materials Awareness and Hazardous Materials Operations, respectively, will require 70% overall passing rate for Module C or for the entire exam.

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- 2) Seventy percent pass rate shall also be required of the Hazardous Materials Awareness and Hazardous Materials Operations sections of these exams to qualify for certification.

c) Examination results will be sent to the individual taking the examination, the chief of the individual's fire department and when applicable, the school which provided training. The Office will maintain these scores and shall use them internally for statistical and/or employment purposes. Otherwise, the Office will not release the examination scores of any individual without the prior written approval of the individual.

d) State certifications for qualified fire service personnel may be awarded to individuals employed both by local governmental agencies and to State of Illinois employees, after successful completion of all requirements.

e) prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the Illinois Fire Chief of the individual seeking certification.

f) Procedure to Request State Administered Certification Exam.

- 1) At least 30 days prior to the anticipated day for testing at a given fire department or school, the Office shall be in receipt of a completed form entitled "Request for Examination", signed by the Fire Chief and the Certified Instructor, which will attest to the fact that each individual has:

- A) A documented learning experience in each of the subject areas of the course required;
- B) Satisfactory scores on all local examinations; and
- C) Demonstrated the proficiency required in each skill requirements for the level of certification by having been observed and evaluated by a Certified Instructor (of the proper level) and an officer of the fire department or his designee in the accomplishment of these skills; and that local records are maintained which contain copies of the evaluator's checklists and evaluation sheets for each individual.

2) In the case of State required practical exams, a copy of the evaluator's checklist or Practical Examination Key must be submitted to the Division before certificates will be issued.

g) No person will be allowed to take the written examination for State certification without having completed all of the above requirements. End-of-subject written examinations of fire departments and community colleges which show satisfactory learning experiences and scores are recognized as satisfying the learning experience requirements.

h) Persons who have not met all prerequisites listed in subsection (d) above, will not be examined. Nor will persons who are ill, or obviously under the influence of drugs or alcohol, persons on duty who may be called out during the examination. In making the determination of such impairment, the Office will consider, but is not limited to,

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observation of demeanor, slurred speech, odor of alcohol, general behavior and other considerations that would benefit in making such determination.

- i) The proctor will not be permitted to discuss or answer questions regarding any questions on the examination. No one will be permitted to enter once the examination has started. Students are not permitted to have notes or reference material in their possession, including calculators, and slide rules. The only paper allowed in the test center is a tablet which will be distributed in single sheets by the proctor according to the examination directions. There will be no scheduled breaks during examination. Persons should be advised at the beginning of the examination that no one will be allowed to leave the room before completing the examination except in an emergency, and then only one at a time. The examination begins after the proctor has read the instructions, at which time all discussion will cease. Candidates will not be permitted to speak to each other or to the proctor, and all instructions to the candidates contained in the proctor instructions will be followed. The proctor will begin the examination with the words "you may begin" and the examination will end with the proctor announcing "you are to stop now".
- j) Results of examinations taken for the purpose of State certification will be retained in the individual training record file maintained for each individual in the Office. All participants who receive certification will have notification of successful completion sent to their department.

- k) Re-examination.
 - 1) No person shall be re-examined without further documented learning experiences in each of the subject areas.

- 2) The Request for Examination form contains an attestation that proof exists that the individual has had the required additional learning experience before re-examination.

- 3) In the case of failure, individuals must wait 60 days before retaking the State written examination of that level.

- 4) There is no limit set by the Office for the number of times that an individual may take the written or practical portion of a State certification examination.

- 5) The battery of examination to be given will be determined by the Office.

- l) Practical skill exams required by the Office for Fire Apparatus Engineer, and Hazardous Materials and Rescue Specialist certifications remain valid for 12 months. If an individual has not passed the written exam within 12 months of the practical skills evolutions, the candidate will be required to retake the State practical exam.

- 1) Passing rate for Fire Apparatus Engineer practical exam is 70%.
- 2) Passing rate for all other practical skill examinations shall be 75%.

- 3) After the practical skill examination is completed and scored, the State will automatically and/or the validation and attestation

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sheets shall be sent to the Office for inclusion in the student's file.

- 4) Certification will not be granted until both the State written exam is successfully passed and the answer key for the practical exam is submitted to the Office with passing rate.

- m) State required practical skills evolutions for Firefighter II and III may be administered at any time during the course of training. It is the responsibility of the Certified Instructor to set standards and assure currency of skills.

- n) If firefighters from a given fire department experience excessive or repeated failures of a firefighter examination, the Fire Chief and appropriate officers of the department are encouraged to visit the Division to discuss the department's training program, or may request a field visit for assistance.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.11 Resources Required for Certification as a Provisionally Approved Training Facility

Any installation or facility may, upon submitting an application and an inventory to the Office, be certified as an approved training facility for conducting training as prescribed by the Office of the State Fire Marshal.

- a) The administrator of a training facility may request, in writing, a reevaluation of the facility's level of certification at any time. The Office will cause such a review to be conducted, and, where justified, recertify the facility at the appropriate level.

- b) Facilities at which all of the listed resources are not readily available may be certified as a "provisional" facility from the Office for conducting training in those subject areas for which adequate resources are available. There are specific requirements for "provisional" facility approval and these are:

- 1) A fire station that serves as a classroom or access to a classroom facility;
- 2) A pumper apparatus equipped in accordance with National Fire Protection Association (NFPA) No. 1901 (1991) (1985) Automotive Fire Apparatus;
- 3) A current set of International Fire Service Training Association (IFSTA) Manuals;
- 4) Improvises to provide all learning experiences required in the "Certified Firefighter II" course; and
- 5) Keep complete approved records based on the Training Records Jacket and Course Approval outline, as specified in Section 140.12(e).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 140.12 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center

In order to qualify for Unlimited Facility Certification, a training facility center must possess, or have readily available for use, the following facilities, apparatus, equipment, reference material, established records, procedures and staff:

- a) Facilities:
 - 1) Training tower, not less than two stories in height, for use as a training structure for ladder evolutions, rescue drills, hose advancement and rope work;
 - 2) Classroom with adequate environmental control and seating capacity for the anticipated trainee population (not adequate means obvious unsuitability, complaints received and other factors deemed relevant by the Office);
 - 3) Forcible entry and ventilation drill facilities, including a means of providing the trainee an opportunity to practice opening a variety of doors, windows, roofs, floors and partitions that are representative of the type and construction found in the community;
 - 4) A smoke and fire room or building suitable for containing, and equipped for simulating, fire atmospheres and conditions. Any or all of these facilities may be combined into one structure; and
 - 5) Facilities for conducting live fire training (by permission and within restrictions of environmental control agencies) and rescue which must include:
 - A) Structural fires;
 - B) Flammable liquid fires;
 - C) LP and natural gas fires; and
 - D) Automobile fires.

- b) Apparatus:
 - 1) Pumper apparatus, fully equipped as prescribed in NFPA No. 1901 (1991) †1985†, "Automotive Fire Apparatus".

c) Equipment:

- 1) All current types and classes of portable fire extinguishers;
- 2) Forcible entry tools such as: pry-axe, pick head axe, pike pole, wrecking bar, hatchet, wire and bolt cutters, claw and Kelly tool, crow bar, Halligan tool, manual and power saws and jacks;
- 3) Ropes of assorted lengths, which can be used for rescue, rappelling and practicing knots and lashings;
- 4) All equipment specified by NFPA No. 1901 (1991) †1985†;
- 5) Salvage and overhaul equipment including covers, carry-alls, cleaning and patching equipment and sprinkler kits;
- 6) Self-contained breathing equipment in sufficient numbers to enable each student to wear the equipment for at least the life of one canister or breathing air tank during his training;
- 7) Standard first-aid supplies for the teaching of the Standard American Red Cross first aid course or its equivalent;

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- 8) Slide and/or overhead projector and a 16mm movie projector and screen;

- 9) Standard classroom equipment: chalk board, speaker's rostrum;
- 10) Protective clothing (one full set for each student) including the structural helmet with a face shield. (Students should provide their own clothing while training at a facility other than their duty station); and

- 11) Other instructional aids as may be needed such as, cutaways of equipment, models, flip charts.

d) Records and Established Procedures:

An established system of records maintenance that includes:

- 1) Training records which reflect who was trained, objectives of subject taught relating to Instructor Reference Manual, by whom, how, when and where conducted.
- 2) A system of evaluating the effectiveness of the class, the instructor and all participants including:
 - A) Testing technique utilized; oral, written, practical or combination; and
 - B) Performance appraisal and evaluation: ranking, factor comparison, grading, graphic rating scale, checklist.
- 3) Individual training records which show when each person began training in each subject area, individual to whom responsible, the objective of his training, intermediate goals, performance criteria, ultimate goal and estimated completion date.
- 4) Records of training. The Office shall approve training records which contain the following:
 - A) Location of training.
 - B) Dates of training.
 - C) Name of instructor - printed and signature.
 - D) Name of trainee - printed and signature Signature/Initials of trainee.

- E) Academic/practical training record.

- F) Subject training record correlated to objectives.

- G) Receipts of training expenses.

- H) Schools shall document training.

- e) One or more persons who have been certified by the Office as an instructor for the level of training being conducted.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.13 Certificates Earned by Bypass Examination

- a) Certification at the level of Fire Prevention Officer I and Fire Investigator or Arson Investigator may be achieved after successful completion of a "Bypass Examination" in lieu of meeting the prerequisite of Firefighter II or Firefighter III, where required. The use of the Bypass Examination is limited to personnel not

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identified as fire protection sworn personnel. No person employed by a local governmental agency who has current fire suppression responsibilities as a firefighter, fire officer, or fire service instructor shall be able to take a Firefighter Bypass Examination ~~By-pass examination.~~

b) If an individual is assigned to fire department suppression duties they must take and pass the Firefighter II exam before proceeding with advanced certifications.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.15 Course Approval

All organizations, institutions, fire departments, colleges and companies wishing to offer courses leading to certification must submit a "Course Approval Form" to the Office according to the following schedule:

- a) Fire Departments:
 - 1) Fire departments must submit "Course Approval Form" once each five years. New forms must be submitted if:
 - A) A new Fire Chief is employed, or
 - B) Additional course or courses are added to the training schedule.
 - 2) Forms are due July 1 and must be renewed by December 31 of the fifth year following approval. Approvals not renewed by December 31 will not be approved for that fiscal year. Reimbursement funding and examinations will not be honored until the course approval is renewed the following fiscal year.
 - 3) Approvals will be granted on a fiscal year calendar. Fiscal years end on June 30.
- b) Colleges, organizations, institutions and companies:
 - 1) "Course Approval Form" must be submitted once each five years with accompanying materials:
 - A) appropriate course correlation form
 - B) syllabi and course content; end-of-course exam; name and credentials of instructor
 - C) End-of-course exams, course syllabi and content shall be correlated to the Office established objectives.
 - 2) Course approval extension forms may be used for the next four years if no changes are made in previously approved course.
 - c) Instructor Requirements. Approval will be granted upon proof of the following: experience, education and or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of competence and training.

1) Course completion posters must be submitted to the Office listing individuals who successfully completed course.

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1) The Office reserves the right to monitor and evaluate the delivery of all Approved Courses, including the following requirements:

- 1) Provide for records of student attendance (i.e., a minimum of 80 per cent is required) and for student evaluations of the course.
- 2) Maintain all financial records for a minimum of five years after the conclusion of the course.
- 3) The length of time required to retain training records shall be determined by the local government based on their Records Retention schedule, but shall be retained for at least five years for audit purposes.
- 4) Maintain complete student records of course completion and test scores.

A) If a course involves college credit, the student's transcript is the complete student record.

B) If a course is non-credit, the delivering agency shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.

5) Allow Division personnel to observe and monitor all approved courses to assure agreement compliance and compliance with State rules.

1) The Office may revoke course approvals if an agency is found to be in violation of course approval requirements or requirements contained elsewhere in these rules. In determining whether to revoke, the Office shall consider the seriousness or frequency of the offenses.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.16 Examination Procedures for End-of-Course Exams Not Administered by the Office

Certification of personnel, like all levels and subject areas in the State Training and Certification program, is contingent upon the successful completion of competency-based examinations. Only those courses which conclude with a written examination, or practice teaching examination, where required, will be approved for reimbursement funding. A minimum of fifty ~~thirty~~ ~~specific-number-of~~ questions is required at the end of the course. Questions are to be developed by the school authority or teacher. All questions are to be keyed directly to the material contained in the course outline and should be constructed in such a manner as to test the student's knowledge and retention of the material to which the student has been exposed in the course. A seventy ~~thirty~~ percent score is required to pass. ~~There is no state-standardized objective-examination-for-certification-at-the-level~~ School authorities are required to submit end-of-course examinations to the Office for approval, prior to administration. Since the purpose of the written exam is to test retention, open book and other similar exams are not acceptable. ~~The minimum of eighty percent-of-the~~ end-of-course examination must use objective test items.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.18 Course Approval Equivalency

Equivalency for an approved course will be granted if the following conditions are met:

- a) Complete course outline with measurable objectives is submitted to the Office for review.
 - 1) These objectives must meet a minimum of 80% of the Office requirements.
 - 2) A checklist of required objectives must be completed by correlating the course with required objectives. The checklist will be prepared by the Office and may be requested by contacting the Office.
- b) Final written and, where applicable, practical exams are submitted to Office for review.
- c) Courses ~~to be approved after January 17, 1994~~ courses may be audited by a member of Division of Personnel Standards and Education staff or person designated by the Office.
- d) If course is approved, completion roster must be submitted with record of attendance (hours).
- e) All Division of Personnel Standards prerequisites are met according to appropriate rulemaking.
- f) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Office approved program prior to taking the State written and practical exam a second time.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.20 Requirements for Participation

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to the rules and regulations of the Office. Units of local government and individuals may elect to participate for certification only, or for certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act [50 ILCS 740].

- a) The local government agency must pass an Ordinance agreeing to participate if reimbursement funding is to be sought.
 - 1) The Office will provide the governing body with a copy of a model Ordinance upon request.
 - 2) For participation for reimbursement funding each local governmental agency must pass an Ordinance requiring trainees to

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be certified at the Firefighter II level by the end of the probationary period. The Ordinance must state the length of the probationary period. A certified copy of the required Ordinance must be sent to the Office.

- A) Local governmental agencies under Sections 10-7-7 10-7-7 and 10-2.1-4 10-2-2-4 of the Illinois Municipal Code [65 ILCS 5/10-7-7 and 10-2.1-4] ~~1-1311-Rev-Stat-1989-01-24-para-7 10-1-7 and 10-2-2-4~~ are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.
- B) All local governmental agencies which participate for reimbursement funding and file a certified copy of the required Ordinance shall be eligible for reimbursement funding from the date a certified copy of the Ordinance is received by the Office. Reimbursement funding for trainees and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of Ordinance.
- C) Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his/her probationary period ends. The individual may later become certified without reimbursement.
- 3) Personnel who are department members prior to the date of the Ordinance are not required by the Office to become certified as Firefighter II but may do so on a voluntary basis. Reimbursement funding is available for such training for three years from the date that a certified copy of the Ordinance is filed with the Office.
- 4) Individuals may receive reimbursement for training costs if employed by a unit of local government which participates for reimbursement funding and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.
- 5) Individuals and departments may participate in all aspects of the programs for certification without passing the Ordinance. The Ordinance is required, however, to qualify an agency to receive reimbursement funding.
- 6) The Board of Police and Fire Commissioners, or the Civil Service Commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification, must file a copy of their rules which require such certification prior to commencing regular employment as a firefighter with the Office. Any subsequent changes to the rules must be sent to the

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Office.

- b) Facility approval
- 1) A department must have a Provisionally Approved Training Facility to offer Firefighter I and II training. See Section 140.11.
 - 2) A department must have an Unlimited Approved Training Facility to offer Firefighter III training. See Section 140.12.
 - 3) A department must have Unlimited Facility Approval to operate as a regional training center.
 - 4) A department may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.
- c) Instructor Certification. See Sections 140.110, 140.130, 140.140, 140.150 and 140.160.
- d) Course Approval. See Section 140.15.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.50 Certified Firefighter II

The Illinois Firefighter II program meets or exceeds the Firefighter I level identified in NFPA 1001 (1992). The term synonymous with Firefighter II is Operative Firefighter and identifies the expected level of supervision.

- a) Prerequisites. A candidate for Firefighter II certification must be engaged in firefighting in an organized Illinois fire department as a fire protection person or trainee according to the Act as attested to by the Illinois Fire Chief of the individual seeking certification.
- b) Funding hours.

- 1) A maximum of 450 hours is available for reimbursement funding.
 - The Office will fund this level of training only one time.
- 2) Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 (i.e., fire protection personnel who are not required to pass the Firefighter II examination due to the date of passage of the Ordinance) qualify for reimbursement funding three years from the date of the passage of the Ordinance.
- c) No specific requirement in terms of hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter II certification until the appropriately certified Fire Service Instructor and Fire Chief or his designee sign the Request for Examination Form.
- d) Instructor requirements.
 - 1) This course must be supervised by an instructor who is certified by the Office at the Fire Service Instructor I level. Those persons who are Firefighters I or II who are not certified as Fire Service Instructors shall be taught by an individual meeting the requirements of Section 140.225(c)(3).
- 2) Departments lacking Instructor I's are urged to apply for the

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- Interim Instructor credentials during the first year of involvement in the program.
- 3) ~~Facility teaching in the fire service program at a community college or university may be authorized to teach these programs in the college.~~
- e) Facility Certification and Delivery Systems.
- 1) The course will be taught at a facility which is in possession of minimum resources required for a Provisional Facility Certification. See Section 140.11.
 - 2) See Section 140.15 for Course Approval.
- f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.
- g) Curriculum Subject Headings for Modular courses.

1) MODULE A.

- A) General/Orientation.
- B) Fire Behavior.
- C) Self-Contained Breathing Apparatus.
- D) Ladders.
- E) Fire Hose and Appliances.
- F) Personal Safety.
- G) Portable Fire.

2) MODULE B.

- A) Water Supply.
- B) Nozzles, Fire Streams.
- C) Ventilation.
- D) Rescue.
- E) Emergency Medical Care.
- F) Forcible Entry.
- G) Overhaul.
- H) Building Construction.

3) MODULE C.

- A) Communications.
- B) Sprinkler Systems.
- C) Salvage.
- D) Fire Prevention, Public Education and Fire Cause.
- E) Ropes.
- F) Hazardous Materials Awareness.

- h) Firefighter II can be instructed in a series of modules. Examinations can be taken by module or by taking the complete examination.
- i) Depth of coverage of the subjects listed varies for each firefighter level.
- j) When an individual takes the exam by modules, the passed modules will be kept on file until all modules are passed before certification is granted.
- k) If an individual is training by module, and then enters an Academy or

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College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken. If an individual fails the complete examination, he or she may elect to then test using the modular system.

- 1) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual must take the examination after each module. A passing grade on all three modules is required before certification will be granted. See Section 140.8(b)(1) through (3).

1) For Certification at Firefighter II, the firefighter shall meet the job performance requirements defined in NFPA 1001, Standard for Firefighter Professional Qualifications (1992 edition), and the requirements defined in Chapter 2, Competencies for the First Responder at the Awareness level of NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents.

- 2) It will be determined by the fire department when the education and training are to be received by the firefighter candidate.

3) All requirements must be met for each certification level before certificates will be issued. This includes passing State written exams and submission of practical examination keys of the appropriate level.

- m) State Certification Practical Skills Examination.

1) Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office.

- 2) Records and documented proof of such tests must be maintained by the department for audit purposes.

A) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.

- B) Practical Skill Examinations.

i) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.

- ii) The Practical Examination Key and the attestation must be returned to the Division before certification will be issued.

- n) State Certification Written Examination. To be certified as a Firefighter II, candidates must take and pass the State examination. (See Section 140.8)

o) An individual who is in the process of preparing for the Firefighter

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II--examination--using--the--NFPA--1001--(1987)--and--IFSTA--Essentials--(2nd ed)--as--standards--and--study--materials--may--opt--to--test--with--these standards--until--January--17--1995--After--January--17--1995--all--standards for--Firefighter--II--will--come--from--the--NFPA--1001--(1992)--the--Office must--be--notified--when--an--exam--is--requested--if--the--candidate--chooses to--use--the--old--standards.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.55 Airport Firefighter

Professional qualifications for Airport Firefighter are identified in the NFPA 1003 (1992), hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the level of Airport Firefighter. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

- a) Prerequisites.

1) Certification as a Firefighter II.
2) Attainment of one year of experience in airport fire protection.
3) Successful completion of the Airport Firefighter 139-hour course, including the skill examination and passage of the State written examination.

- 4) See Section 140.50(a).

- b) Funding Hours.

A maximum of 120 hours is available for reimbursement funding. The Office will fund this level of training only one time. No funding is available for repeat courses.

- c) Instructor Requirements. The course is to be taught under auspices of a Certified Fire Service Instructor II who has successfully completed the course and is a Certified Airport Firefighter. The Interim Fire Service Instructor policy (see Section 140.110 Interim Instructor) is applicable to airports seeking to begin training for Airport Firefighter.

- d) Facility Certification and Delivery Systems. Educational institutions, fire departments, and fire service organizations desiring to offer the Certified Airport Firefighter program will be required to:

1) File Course Approval Forms. See Section 140.15.
2) Use a facility which possesses the minimum required resources. All delivery systems offering the program must have at least Provisional Facility Certification. See Section 140.11. In addition, the facility must possess:

- A) A complete set of the IFSTA Training Manuals.
- B) A classroom.
- C) An airport firefighting vehicle.
- e) Curriculum Subject Headings.

- 1) Introduction.

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- 2) Aircraft Familiarization.
- 3) Airport Familiarization.
- 4) Personnel Safety.
- 5) Firefighting Equipment.
- 6) Firefighting Operations.
- 7) Communications.
- 8) Fire Prevention.
- f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1003 Professional Qualifications for Airport Firefighters, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.
- g) State Certification Practical Skills Examinations. Evaluations of the student's performance of the psychomotor objectives are to be done by independent evaluators, each using identical checklists which have been approved by the Office prior to its administration. Psychomotor skills checklists must be related to IFSTA 206 (1992) requirements to qualify for approval. It is the responsibility of the school, fire department or airport to test the psychomotor behavioral objectives or all personnel as part of the certification testing process. See the Airport Firefighter Instructor Reference Package Study-Guide for certification of Airport Firefighter for skill requirements. ~~Answer keys for Evaluation-Sheets-22~~ Practical exams must be submitted before certification will be awarded.
- h) State Certification Written Examination. To be certified as an Airport Firefighter, candidates must take and pass the State examination. See Section 140.8.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 140.60 Certified Firefighter III

The Office recognizes the Firefighter III level as equivalent to or exceeding the Firefighter II level identified in the NFPA 1001 (1992). The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

- a) Prerequisites.
 - 1) Certification as a Firefighter II.
 - 2) See Section 140.50(a).
 - 3) Attainment of three years cumulative fire service experience in a fire department which may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required. Job descriptions and personnel records are examples of adequate proof.
- 4) Documented learning experiences in each of the 20 subject areas outlined in subsection (e) of this Section and contained in the

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- Student Study Guide.
- 5) Documented demonstration of competence in all manipulative skills contained in the Student Study Guide.
- b) Funding Hours. Maximum funding is 450 hours.
- c) Instructor Requirements.
 - 1) This course must be taught under the auspices of an instructor who has been certified by the Office as having met minimum standards for Fire Service Instructor II certification.
 - 2) Fire Service Instructor I persons who have successfully completed portions of the Firefighter III examination may be authorized to teach and complete the required records in each of the subjects of the Firefighter III course which the Fire Service Instructor I has successfully completed.
 - 3) Those portions of the Firefighter III that deal with Hazardous Materials shall be taught by an individual meeting the requirements of Section 140.230(d)(3).
- d) Facility Certification and Delivery System. Educational institutions, fire departments and fire service organizations must:
 - 1) Have access to an Unlimited Training Facility. See Section 140.12.
 - 2) File necessary Course Approval Forms. See Section 140.15.
- e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001, Firefighter Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standards or editions.
- f) Curriculum Subject Headings for Modular Courses.
 - 1) MODULE A.
 - A) Fire Department Organization.
 - B) Fire Behavior.
 - C) Self-Contained Breathing Apparatus.
 - D) Ladders.
 - E) Fire Hose and Appliances.
 - F) Personal Safety.
 - 2) MODULE B.
 - A) Water Supply.
 - B) Nozzles and Fire Streams.
 - C) Ventilation.
 - D) Rescue.
 - E) Building Construction.
 - F) Emergency Medical Care.
 - G) Overhaul.
 - 3) MODULE C.
 - A) Communications.
 - B) Sprinkler Systems.
 - C) Ropes.
 - D) Fire Prevention, Public Education and Fire Cause.
 - E) Hazardous Materials First Responder Operations.

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- g) State Certification Practical Skill Examination.
- 1) Local fire departments or schools are responsible for administering the practical skills examination prepared by the Office. Records and documented proof of such tests must be maintained by the department for audit purposes.
 - 2) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences.
 - 3) Practical Skill Examinations.
 - A) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and Certified Instructor that the tasks have been 100% successfully completed.
 - B) The Practical Examination Key and the attestation must be returned to the Division before certification will be issued.
 - h) State Certification Written Examination. To be certified as a Firefighter III, candidates must take and pass the State examination. A Request for Examination must be signed by a Certified Fire Service Instructor II. See Section 140.8.
 - i) Firefighter III can be instructed in a series of modules. Examinations can be taken by module or by taking the complete exam.
 - j) Depth of coverage of the subjects listed varies for each firefighter level.
 - k) When an individual takes the exam by modules, the passed modules will be kept on file until all modules are passed before certification is granted.
 - l) If an individual is training by module, and then enters an Academy or College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken.
 - m) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual must take the examination after each module. A passing grade on all modules is required before certification will be granted.
 - 1) For Certification at Firefighter III, the firefighter shall meet the job performance requirements defined in NFPA 1001, Standard for Firefighters Professional Qualifications (1992 edition), and the requirements defined in Chapter 3, Competencies for the First Responder at the Operational level of NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents.
 - 2) It will be determined by the Authority Having Jurisdiction when the education and training are to be received by the firefighter candidate.

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- 3) All requirements as listed must be met for each certification level before certificates will be issued. This includes passing State written exams and submission of practical examination keys of the appropriate level.
 - n) Refresher Training.
 - 1) The Certified Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training. For the purpose of funding, 100 hours of reimbursable time per year will be funded by the Office for refresher training.
 - 2) The training may consist of any or all of the subjects listed in NFPA 1001 and Firefighter III certification. The failure to participate in the annual 60 hours of refresher training does not revoke the individual's certification, since such certification has historically been seen as a personal achievement, and maintenance of the certificate a personal commitment. Refresher training must encompass at least four subject areas annually to claim for funding, with the minimum intent to cover all subject areas at least once each five years.
 - 3) Individuals participating in such refresher training will need to have clearly identified training records. (See Section 140.12(e))
 - a) An individual who is in the process of preparing or testing for Firefighter III using the NFPA 1001-1987 standard may opt to test with this standard until January 17, 1995. After January 17, 1995, all standards for Firefighter III will come from the NFPA 1001-1992. The Office must be notified when an exam is requested if the individual chooses to use the old standards.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.65 Certified Fire Apparatus Engineer

The Certified Fire Apparatus Engineer course is designed to meet a specialty need within the fire service. The program equals or exceeds the requirements of NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1992 edition.

- a) Prerequisites.
 - 1) Certification as a Firefighter II.
 - 2) See Section 140.50(a) above.
 - 3) Completion of the Certified Fire Apparatus Engineer course of two modules: pumper operations and apparatus driving 40 students contact hours minimum.
- 4) Pass State end-of-course written and practical skill examination.

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- 5) Possess the appropriate class of ~~license~~ driver's license in accordance with the Illinois Vehicle Code ~~(Ill. Rev. Stat. 1997 Ch. 95-1/2-Par. 1-100-e-seg 7)~~ [625 ILCS 5].
- 6) Application for certification which includes attestation by Fire Chief that all practical driving skills as specified in NFPA 1002 have been taught.
 - b) Funding. A maximum of 108 hours is available for reimbursement funding. No funding is available for repeat courses.
 - c) Instructor Qualifications. There is no Fire Apparatus Engineer Instructor certification level. Persons planning to offer this program must:
 - 1) Be a lead instructor or the instructor of record must be an Instructor II and Certified Fire Apparatus Engineer.
 - 2) ~~Be a Certified Fire Service Instructor II and~~
 - 3) ~~Be a Certified Fire Apparatus Engineer~~
 - 2) When a department is initiating a Fire Apparatus Engineer program, the initial course may be conducted by a Certified Fire Service Instructor II who is not a Certified Fire Apparatus Engineer. However, the practical skill examination must be conducted by a Certified Fire Apparatus Engineer. The department should contact the Office for the names of Certified Fire Apparatus Engineers who have agreed to conduct practical skill examinations.
- d) Facility Certification and Delivery Systems.
 - 1) Course Approval. (See Section 140.15)
 - 2) The course must be taught at an Unlimited Training Facility. (See Section 140.22)
- e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1002, Fire Apparatus Driver Operator Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standard or edition.
- f) State Certification Practical Skill Examination.
 - 1) The State ~~state~~ practical skill examinations consist of a series of evolutions covering pumper operations and apparatus driving. Instructors should contact the Office for the practical skill package.
 - 2) All practical skill examinations must be administered by an Instructor II and Certified Fire Apparatus Engineer and observed by two additional persons assigned by the ~~Fire Chief~~ Fire Chief.
 - 3) After the practical examination is completed and scored by the Instructor, a copy of the answer ~~key~~ evaluation sheet must be sent to the Office for inclusion in the student's file before certification will be granted.
- g) State Certification Written Examination. To be certified as a Fire Apparatus Engineer, candidates must take and pass the State ~~examination~~ examination. Certification is required before the Fire Apparatus Engineer examination may be taken. Request for exam must be

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signed by a Fire Service Instructor II who is also a Certified Fire Apparatus Engineer. (See Section 140.9)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.70 Fire Officer I

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1992), hereby incorporated by reference. The Office does not recognize rank as equivalent to the various levels of Fire Officer. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

a) Prerequisites. Fire Officer I certification is granted to those individuals who have achieved the following:

- 1) Certification as Firefighter III.
- 2) See Section 140.50(a).
- 3) Attainment of three years minimum fire service experience in a fire department.
- 4) Successful completion of the required three-semester credit (40 student-contact hour minimum) courses or equivalent according to Section 140.18 Course Approval Equivalency. A course taken for certification credit of 40 student contact hours (minimum) must only be used for one area of career hierarchy. Individuals must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, hereby incorporated by reference, including no later amendments or editions.
- 5) Experience Requirements.
 - A) The candidates for Fire Officer I certification must have served a minimum of one year as a Fire Officer I or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Certified Instructor and Fire Chief must document the experience as a Fire Officer I or Fire Officer I trainee.
 - B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a certification attesting to his "Provisional Qualification" as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses and training. Provisionally qualified status does not certify the individual as a Fire Officer I.
 - b) Funding Hours. A maximum of 324 hours is available for reimbursement funding with no more than 54 hours being allowed for any one course.

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courses required in Section 140.70(a)(4). Work experience does not qualify for funding. The Office will fund this level of education only one time. A candidate must be certified as a Firefighter III prior to the beginning of Fire Officer I classes to qualify for reimbursement funding.

- c) Equivalent courses. Courses not having prior approval but which correlate with the content areas of required courses and conclude with an evaluation of the individual's retention will be approved for certification purpose only. Fire Officer Applications for certification that request course equivalency evaluation must be accompanied by complete course content or syllabus for the course. College catalog descriptions of a paragraph or less are not sufficient documentation for review.

- 1) Equivalent courses must meet the performance objectives required in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, Chapters 2 and 3.

- 2) It is the responsibility of the applicant to provide documentation for the Office to conduct an equivalency evaluation.

- 3) Course approval Equivalency: See Section 140.18 Course Approval Equivalency. Documentation and proof necessary to establish course equivalency shall include but is not limited to:

- A) Course titles or transcripts.
- B) Syllabi and course outlines.
- C) Test scores or grades.
- D) College and Institute catalog course descriptions.
- E) Other supporting material.
- F) See Section 140.18(f).

- d) Instructor Requirements. See Section 140.200(d) for instructor approval requirements.

- e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive facility certification. Such certification requires:

- 1) See Section 140.15 for course approval requirements.

- 2) See Section 140.16 for end-of-course examination requirements.

- 3) All courses will be delivered under the auspices of approved institutions which are identified as follows:

- A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
- B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
- C) Fire Service organizations may receive approval to deliver specialized courses. Such approval will be granted based on compliance with all applicable rules in this Part, including Sections 140.11, 140.12, 140.15, 140.16, and 140.25. These organizations are identified as:

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- i) The Illinois Fire Chief's Association (IFCA).
- ii) The Illinois Fire Inspector's Association (IFA).
- iii) The Illinois Society of Fire Service Instructors (ISFSI).
- iv) The Illinois Firefighter's Association (IFA).
- v) The Associated Firefighters of Illinois (AFFI).
- vi) The Illinois Association of Fire Protection Districts (IAFPD).
- vii) The Illinois Professional Firefighters Association (IPFA).
- viii) The Illinois Fire Service Alliance (IFSA).
- ix) The Illinois Fire Prevention Education Association (IFPEA).

- 4) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications, including Sections 140.11, 140.12, 140.15, 140.16 and 140.25.

- f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualification, 1992 edition. This standard is incorporated by reference and includes no later editions or amendments.

- g) State Certification Written Examination - To be certified as a Fire Officer I, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

- 1) Written examination administered by the school. Exam must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.

- 2) Written examination administered by the Office.

- 3) Exams shall be taken either by subject area or entire certification requirements. Request for exam must be submitted to the Office and meet requirements in Section 140.8.

~~Courses taken prior to January 1, 1997 will be evaluated under the prior criteria. NFPA 1021 1997 edition will be taken after January 1, 1997 will be evaluated under the current criteria. NFPA 1021 1992 edition.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.80 Fire Officer II

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1992), hereby incorporated by reference. The Office

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defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc. (See Section 140.70)

- a) Prerequisites. The candidate seeking Fire Officer II certification must have achieved the following qualifications:

- 1) Certification as a Fire Officer I.
- 2) See Section 140.50(a).
- 3) Five years minimum fire service experience in a fire department.
- 4) Successful completion of the identified 3-semester credit courses (40 student contact hours minimum), or equivalent according to Section 140.18 Course Approval Equivalency. A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area in the career hierarchy. Individual must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1992 edition, hereby incorporated by reference and includes no later editions or amendments.

5) Experience Requirements.

- A) The candidates for Fire Officer II certification must have served a minimum of one year as a Fire Officer II or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer I certification assigned to Fire Officer II duties. The Certified Instructor and Fire Chief must document the experience as a Fire Officer II or Fire Officer II trainee.

- B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a certificate attesting to his "provisional qualification" as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer II courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional qualification can only be given after completion of all required courses.

- C) An individual must be a certified Fire Officer I to receive a Provisional Fire Officer II.

- b) Funding. Hours. A maximum of 324 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses with no more than 54 hours being allowed for any one of the courses required in subsection (a)(4) of this Section. Work experience does not qualify for funding. Candidates must be certified as a Fire Officer I or a provisionally qualified Fire Officer I prior to beginning Fire Officer II course to qualify for reimbursement funding.

- c) Equivalent courses. See Section 140.70(c).

- d) Instructor Requirements. See Section 140.70(d).

- e) Facility Certification and Delivery Systems. See Section 140.70 (e).

- f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer

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Professional Qualifications, 1992 edition. This standard is incorporated by reference and includes no later standard or edition.

- g) State Certification - To be certified as a Fire Officer II, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:

- 1) Written examination administered by the school. Exam must be approved by the Office as meeting the criteria in Sections 140.15 and 140.16.

- 2) Written examination administered by the Office.

- 3) Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.8.

~~Courses taken prior to January 27, 1994 will be evaluated using the criteria in the program prior to January 27, 1994. NFPA 1021-1992 edition. Courses taken after January 27, 1994 will be evaluated under the current criteria. NFPA 1021-1992 edition.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.90 Fire Officer III

The Office recognizes three levels of Fire Officer: Fire Officer I, II, and III. These three levels meet and exceed the four levels of Fire Officer identified in NFPA 1021 (1992), hereby incorporated by reference. The Office identifies the Fire Officer III as a person who has administrative responsibilities, the authority to affect practices, policies, and procedures of the department, and is, or reports directly to, the chief, chief administrator or head of department.

- a) Prerequisites. Fire Officer III certification is granted to those persons who have met the following qualifications:

- 1) Certified as a Fire Officer II.
- 2) Attained six years minimum fire service experience in a fire department.

- 3) Successful completion of the required courses or equivalent as established by Section 140.18 Course Approval Equivalency, including the following topics:

- A) Introduction.
- B) Communications.
- C) Government Structures and The Political Arena.
- D) Fire Department Operations and Administration.
- E) Human Resource Administration.
- F) Public Fiscal Planning and Administration.

- 4) Experience Requirements.

- A) The applicant must have current administrative duties to be certified. Individuals applying with prior experience shall be evaluated individually. (See Section 140.50)

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- B) Documentation of work experience as a Fire Officer III shall consist of:
- i) ~~1) completion of a specified office checklist showing completion of work experience related to objectives completed-work-experience-examples.~~
 - ii) ~~2) the official job description of the applicant.~~
 - iii) ~~3) an official, legible, definitive department organization chart on fire department letterhead, signed by the Fire Chief or, in the case of the applicant being the Fire Chief, the Supervisor of the Fire Chief (such as Mayor, President of Trustees, or similar official).~~
- C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a certificate attesting to his "provisional qualification" as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given after completion of all formal courses.
- D) A person possessing a certificate as a provisional Fire Officer II may take Fire Officer III courses and receive funding for Fire Officer III courses. However, an individual must be certified as a Fire Officer II to receive a provisional Fire Officer III.
- b) State Certification Written Examination - To be certified as a Fire Officer III, one of the following means of examination and evaluation must be successfully passed, with proof of course completion and passing submitted to the Office:
- 1) Written examination administered by the school. Exam must be approved by the office as meeting the criteria in Sections 140.15 and 140.16.
 - 2) Written examination administered by the Office.
 - 3) Exams shall be taken either by subject area or entire certification requirement. Request for exam must be submitted to the Office and meet requirements in Section 140.3.
- c) ~~1) Funding hours. A maximum of 400 hours is available for reimbursement funding with no more than 54 hours being allowed for any one of the 6 courses required in subsection(a)(3) of this Section. Work experience does not qualify for funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Officer II or a provisionally qualified Fire Officer II to qualify for reimbursement funding.~~
- d) ~~2) Equivalent courses. See Section 140.70(c).~~
- e) ~~3) Instructor Requirements. See Section 140.70(d).~~
- f) ~~4) Facility Certification and Delivery Systems. See Section 140.70(e).~~
- g) ~~5) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021 (1992). This standard is incorporated by reference and includes no later editions~~

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- or amendments.
- h) ~~1) Refresher training of up to 120 hours may be funded annually. Funding documentation must be proof of completed class, course or seminar that meets the objectives of NFPA 1021 (1992). Funding will not be available for repeat courses. Refresher training must encompass at least three subject areas to claim for funding.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.110 Interim Instructor

- a) The Interim Instructor is equivalent to the Instructor Candidate identified in NFPA 1041 (1981), hereby incorporated by reference. See Chapter 1 for requirements. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. An individual granted temporary (interim) certification is a person who serves as instructor for fire departments without certified instructors; those engaged in training for Fire Service Instructor I certification.
- b) Interim instructor certification will be granted to those individuals who have met the following qualifications:
- 1) are recommended and approved by their Fire Chief or Training Officer;
 - 2) have demonstrated an interest and proficiency in instructing;
 - 3) have minimum of three (3) years in a fire department.
 - 4) agree to conditions stipulated by the Office in conducting training, controlling examinations, maintaining records and submitting reports.
 - 5) agree that during this interim period they will complete all requirements for Fire Service Instructor I certification.
- c) Interim Instructor certificates authorize the recipient to teach Firefighter I--and II courses to personnel within their own fire department for a period of one year from the date of issue.
- d) An extension of one year will be given to an individual who was not able to attend an Instructor I course in the first year at a time or location which the person would be able to attend consistent with the person's employment. The maximum period for an individual to serve as Interim Instructor ~~interim-instructor~~ is two years.
- e) One interim instructor may be authorized for each fire department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.130 Fire Service Instructor I

Professional qualifications for Fire Service Instructor I are identified in the NFPA 1041 (1992) (1987), Chapter 3, hereby incorporated by reference. The

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Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor I as a certified individual who has successfully completed the required academic program; an instructor in the fire department who is authorized to teach courses in the Firefighter II programs for State certification and to validate training records for these levels. A fire service instructor who has demonstrated the knowledge of and the ability to conduct instruction from prepared material.

a) Prerequisites. Fire Service Instructor I is granted to those individuals who have met the following qualifications:

- 1) Certification as a Firefighter II.
- 2) Attainment of three years of documented cumulative fire service experience in a fire department.
- 3) Successful completion of a course with a minimum of 40 hours in instructional techniques equivalent to NFPA 1041 (1992), Chapter 2, or State Teacher's Certification Board, State of Illinois Teacher's Certificate. Such certificate will be accepted only for certification for Fire Service Instructor, if all other certification requirements are met. Copy of Teacher's Certificate must be submitted with application for certification.
- 4) See Section subsection 140.50(a) above.
- 5) Funding hours. A maximum of 54 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II to qualify for reimbursement funding.

c) Instructor Requirements.

- 1) Course must be taught under auspices of an instructor who is recognized and approved by an educational institution or major fire service organization which has the approval of the Office. The instructor qualifications are flexible in that no specific discipline is required of the person employed to teach the instructor course.
- 2) It is strongly recommended that fire protection personnel not be authorized as instructors for this course unless the fire service personnel have been previously recognized by the institution offering the course and the Office as an educator qualified to teach others how to teach.

d) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Service Instructor program will be required to receive facility certification. Such certification requires:

- 1) See Section 140.15 for course approval requirements.
- 2) See Section 140.16 for end-of-course written examination requirements.
- 3) A practice teaching evaluation system for Fire Service Instructor I and Fire Service Instructor II must be approved by the Office. This system must contain at least one practice teaching evaluation to be conducted by two or more evaluators. All

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evaluators will utilize a checklist, approved by the Office, to independently evaluate the candidates performance.

4) Fire Service Instructor courses will be delivered under the auspices of approved institutions identified as follows:

- A) All Fire Service Instructor I, II and III courses may be delivered by any accredited college or university in Illinois.
- B) All Fire Service Instructor IV courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
- C) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:
 - i) The Illinois Fire Chief's Association (IFCA).
 - ii) The Illinois Fire Inspector's Association (IFIA).
 - iii) The Illinois Society of Fire Service Instructors (ISFSI).
 - iv) The Illinois Firefighter's Association (IFA).
 - v) The Associated Firefighters of Illinois (AFPI).
 - vi) The Illinois Association of Fire Protection Districts (IAFPD).
 - vii) The Illinois Professional Firefighter's Association (IPFA).
 - viii) The Illinois Fire Service Alliance (IFSA).
- ix) The Illinois Fire Prevention Education Association (IFPEA).

5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications (see Section 140.25).

e) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041, Chapter 2. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.171 Fire Prevention Officer I

Professional qualifications for Fire Prevention Officer I, except Firefighter qualifications, are identified in the NFPA 1041, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 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3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690, 3691, 3692, 3693, 3694, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3720, 3721, 3722, 3723, 3724, 3725, 3726, 3727, 3728, 3729, 3730,

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Technical Specialist.

- a) Prerequisites. Fire Prevention Officer I certification is granted to those individuals who have met the following qualifications:

1) Certification as a Firefighter III or successfully completing the Firefighter Bypass Examination. Entrances into this program through the Bypass Examination examination is limited to:

- A) Office personnel.
- B) Persons employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.
- 2) Attainment of three years cumulative fire service experience which must include one year of experience in fire prevention.
- 3) Successful completion of the Office approved Fire Prevention Officer I course or provide proof of equivalent courses.
- 4) Successful completion of the State Fire Prevention Officer I examination. Prerequisite for taking State written examination is Firefighter II certification or successful completion of the Bypass Examination examination.

- b) Funding Hours. A maximum of 162 300 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II or have successfully completed the Firefighter Bypass Examination examination to qualify for reimbursement funding.

c) Equivalent courses.

- 1) See Section 140.18 Course Approval Equivalency.
- 2) See Section 140.70(c) for requirements.
- 3) Equivalent course must meet the performance objectives in NFPA 1031, 1033, and 1035 (1993) hereby incorporated by reference.

4) When courses are evaluated as equivalent, the individual will be allowed to take the State written examination one time. Failure of the State written examination will invalidate the equivalency evaluation and require the individual to successfully complete the Fire Prevention Officer I program prior to taking the State written examination a second time.

- 5) Equivalent courses are not eligible for reimbursement.
- d) Instructor Requirements. The Fire Prevention Officer I program must be taught under the auspices of instructors who are recognized and approved by an educational institution and/or fire service organization which has the approval of the Office. The instructor qualifications are flexible in that no specific discipline or degree is required.

e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Prevention Officer I program will be required to receive facility certification. Such certification requires:

- 1) See Section 140.15 for Course Approval requirements.
- 2) See Section 140.8 for State written examination requirements.

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- 3) See Section 140.16 for End-of-Course examination requirements.

4) All courses will be delivered under the auspices of approved institutions identified as follows:

- A) Fire Prevention Officer I, Public Fire and Life Safety Educator II, Fire-Prevention-Educator-Offices-III-and-Fire-Prevention-Inspector II, Public Fire and Life Safety Educator III and Fire Inspector III courses may be delivered by any accredited college or university in Illinois.
- B) Fire-Prevention-Educator-Offices-III-and-Fire-Prevention-Inspector-III-courses-may-be-delivered-by-colleges-or-universities-accredited-in-Illinois-to-offer-academic-degrees.

B) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:

- i) The Illinois Fire Chief's Association (IFCA).
- ii) The Illinois Fire Inspector's Association (IFIA).
- iii) The Illinois Society of Fire Service Instructors (ISFSI).
- iv) The Illinois Firefighter's Association (IFA).
- v) The Associated Firefighters of Illinois (AFFI).
- vi) The Illinois Association of Fire Protection Districts (IAFPD).
- vii) The Illinois Professional Firefighters Association (IPFA).
- viii) The Illinois Fire Service Alliance (IFSA).
- ix) The Illinois Fire Prevention Education Association (IFPEA).

5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications.

f) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector (1993) (1997), NFPA 1033 Professional Qualifications for Fire Investigator (1993) (1997), and NFPA 1035 Professional Qualifications for Public Fire Educator (1993) (1997).

g) State Certification Written Examination. To be certified as a Fire Prevention Officer I, candidates must take and pass the State examination. (See Section 140.8)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.180 Public Fire and Life Safety Educator II Fire-Prevention Education-Officer-I

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of the State Fire Marshal.

- 2) At least 30 days prior to the anticipated day for testing, the Fire or Police Chief will submit to the Office of the State Fire Marshal a "Request for Examination" form. The Office of the State Fire Marshal will endeavor to schedule examinations throughout the State as requested.

- c) The Bypass Examination will consist of multiple-choice items in the following subject areas:

- 1) Fire Behavior
- 2) Portable Fire Extinguishers
- 3) Self-Contained Breathing Apparatus (SCBA)
- 3.1 Personal Safety
- 4) Water Supply
- 5) Building Construction
- 6) Fire Entry
- 6.1 Communications
- 6.2 Ventilation
- 7) Sprinkler Systems
- 8) Fire Inspections
- 8.1 Fire Cause and Origin
- 8.2 Hazardous Materials

- d) Individuals choosing to take this examination must:

- 1) Sign the Request for Examination form submitted to the Office of the State Fire Marshal by the respective Chief.
 - 2) Plan to enter into the training program for Fire Prevention Officer I, or Fire Investigator or Arson Investigator.
- e) No funding is provided for salary, travel, lodging or other expenses associated with the study for or the taking of this examination.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.200 Fire Investigator

The Illinois program does not recognize rank as equivalent to the various levels of Fire Investigator because it is not possible to insure that every rank used by local fire departments or allied field agencies to identify persons serving as Fire Investigators would be consistent throughout the State. The Office of the State Fire Marshal defines Fire Investigator as an individual, serving in an agency or a fire department, specifically responsible for the investigation of fire incidents. The term synonymous with Fire Investigator is Technical Specialist.

- a) Prerequisites for Certification as Fire Investigator. Individuals wishing to be certified as a Fire Investigator must:
- 1) be a Certified Firefighter II (see Section 140.50), or successfully complete the Bypass Examination (see Section 140.190).
 - 2) successfully complete the Fire Investigator course consisting of three Modules, or Modules I & II and the Arson Investigator

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Course (see Section 140.210).

- b) Funding Hours. A maximum of 120 hours is available for reimbursement funding. All programs can be funded only one time. No funding is available for repeat courses. All persons for whom reimbursement is sought must be Certified as a Firefighter II or above or have successfully completed the Bypass Examination prior to commencement of the program's courses, and must be employed as fire protection personnel by a participating local governmental agency.

- c) Curriculum. The Fire Investigator course is based upon three modules. Modules I and II must be taken consecutively. Module III is designed for those persons who do not intend to take the Arson Investigator Course. Topics of the course and outline are contained in the book entitled Fire Arson Investigation published by the Illinois Fire Service Institute, University of Illinois, Urbana, Illinois 61801, in cooperation with the Illinois Office of the State Fire Marshal, the University of Illinois Police Training Institute and the Illinois Local Government Law Enforcement Officer's Training Board (1996 1998) or the Office of the State Fire Marshal, Division of Personnel Standards and Education, approved course.

- d) Instructor Requirements. (See Section 140.15(c)) Because of the specialty topics in this course, it shall be required that knowledgeable instructors in each special topic be utilized to teach in their area of expertise. Approvals will be granted upon proof of the following: experience, education and/or training indicating competence in the technical area to be taught; in making the determination of competency; the office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.

- e) Facility Certification and Delivery Systems.
- 1) Courses will be approved if they meet all rules and regulations established by the Office of the State Fire Marshal regarding curricula, student control, examinations, financial records maintenance and instructor qualifications and have the physical resources necessary for the course.

- 2) Due to the sensitive nature of the material, no approval for course or facilities will be given if the course is offered to persons other than fire or allied field agencies.

- f) State Certification Written Examination - See Section 140.50(g). Examination Procedures and Standards. Only those courses which conclude with a written examination will be approved for reimbursement funding. There is no specific number of questions required at the end of the course. Questions are to be developed by the material or teacher. All questions are to be keyed directly to the material contained in the course outline and should be consistent with a manner as to test the student's knowledge and retention of the material. The student has been exposed to the course. A seventy (70%) percent score is required to pass. Where it is not a standardized objective cognitive examination for certification as

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~~Section 140.225(a)(3) and Section 140.225(a)(4) Course Approval~~
~~Equivalency~~

- b) Funding Hours. A maximum of 400 hours is available for reimbursement funding with no more than 54 hours allowed for any one of the 6 courses in Section 140.90(a)(3). The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Inspector II to qualify for reimbursement funding.
- c) Equivalent Courses. (See Section 140.70(c) for requirements)
- d) Instructor Requirements. (See Sections 140.171(d) and 140.200)
- e) Facility Certification and Delivery Systems. (See Section 140.171 (e))
- f) The curriculum shall consist of a course of courses covering knowledge and skill objectives and depth of coverage listed in NFA 1031 Professional Qualifications for Fire Inspector (1993), Chapter 5. ~~Curriculum Subject Headings: (See Section 140.225(a)(4))~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.225 Hazardous Materials First Responder-Awareness

- a) Hazardous Materials First Responder-Awareness personnel are fire personnel trained to the level of awareness as defined in 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction.
- b) Fire protection personnel at this level of certification are persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release.
- c) Professional qualifications for Hazardous Materials First Responder-Awareness are identified in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standards or reference.
- 1) Prerequisites - Hazardous Materials First Responder-Awareness Certification is granted to those persons who have met the following qualifications:
- A) Certification as a Firefighter II.
- B) Successful completion of a course consisting of First Responder Awareness meeting NFPA 472 (1992), including passage of local testing including practical and State written exam.

6) ~~Prerequisites for taking the State-written exam is Firefighter II certification.~~

C) See Section 140.50(a).

D) See Section 140.50(l)(1).

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- 2) Finding. A maximum of 16 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- 3) Instructor Requirements. Certified Fire Service Instructor I who has been certified at any level of Hazardous Materials and ~~Certified Hazardous Materials First Responder-Awareness.~~
- 4) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the Hazardous Materials First Responder-Awareness program will be required to:
- A) File Course Approval forms. See Section 140.15.
- B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.
- 5) State Certification Written Examination. To be certified in Hazardous Materials First Responder-Awareness, candidates must supply proof of passage (class completion roster, transcript or certificate) or locally administered written and practical exams and pass the State written examination. See Section 140.8.
- 6) State Certification Practical Skills Examination.
- A) The State practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder-Awareness. The instructor should contact the Office for this practical skill examination.
- B) After the practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file. Certificates are held until practical exam scores are submitted.
- 7) Objectives for Hazardous Materials First Responder-Awareness are identical to Objectives for Awareness in Firefighter II.
- 8) Refresher Training - Awareness Level.
- A) Refresher training should be accomplished on a minimum of an annual basis to insure that the employer can certify that the Awareness Level Responders meet CFR 1910.120 (1993) and the guidelines of the Office of the State Fire Marshal for First Responder Awareness Level training. The training should include identification of hazardous materials, local response plans, and other areas as directed by the employer.
- B) Funding for refresher training is covered under Section 140.236 Hazardous Materials Refresher Training.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.230 Hazardous Materials First Responder-Operations

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- a) First responders, for the purpose of this level of certification, are fire protection personnel trained to the levels of "First Responder Awareness" and "First Responder Operations" as defined in 29 CFR 1910.120. First Responders shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990) or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction.
- b) Fire protection personnel at this level of certification are both:
- 1) Persons who are likely to witness or discover a hazardous substance release or potential release and who have been trained to initiate an emergency response sequence by notifying the proper authorities (local, State, federal, or private resources) of the release; and
 - 2) Persons who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.
- c) Professional qualifications for Hazardous Materials First Responder-Operations are identified in NFPA 472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and containing no later standard or reference.
- d) Hazardous Materials First Responder-Operations is designed as the introductory step in the acquisition of all knowledge and skills required to safely mitigate a release or potential release of hazardous substances and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120.
- 1) Prerequisites - Hazardous Materials First Responder - Operations
- Certification is granted to those persons who have met the following qualifications.
- A) Certification as a firefighter II.
 - B) Successful completion of a course consisting of First Responder Operations, including passage of local testing including practical and State written examination.
 - C) Prerequisite for taking the State ~~state~~ written exam is Firefighter II certification.
 - D) See Section 140.50(a).
 - E) Certification as Hazardous Materials - Awareness.
 - F) See Section 140.50(b)(2).
- 2) Funding. A maximum of 36 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- 3) Instructor Requirements.
- Certified Fire Service Instructor I and Certified Hazardous

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- Materials First Responder-Operations or higher.
- 4) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the First Responder program will be required to:
 - A) File Course Approval forms. (See Section 140.15)
 - B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.
 - 5) Course description. The course is described as a specialized course to provide those persons whose duties include responding to the scene of emergencies that may involve hazardous materials with competencies to respond safely to hazardous materials incidents. Course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992), hereby incorporated by reference and including no later standards or amendments. Objectives in this course are identical to the Hazardous Materials Operations Objectives in Firefighter III. ~~Equivalent courses must meet~~ See Section 140.13 Course Approval Equivalency.
 - 6) State Certification Written Examination. To be Certified as a Hazardous Materials First Responder-Operations, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written and practical exams and pass the State written examination. (See Section 140.8)
 - 7) State Certification Practical Skill Examination.
 - A) The State ~~state~~ practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder-Operations. The instructor should contact the Office for this practical skill examination.
 - B) After the practical examination is completed and scored by the instructor, a copy of the practical examination key must be sent to the Office for inclusion in the student's file. Certificates are held until practical exam scores are submitted.
 - 8) Refresher Training - First Responder Operations level.
 - A) Refresher training should be accomplished on a minimum of an annual basis to insure that the employer can certify that the First Responder Operations level responders meet CFR 1910.120 (1993) and the guidelines of the Office of the State Fire Marshal for First Responder-Operations level training. The training should include all the recurrency training for Awareness level and in addition, methods and procedures for evaluating and controlling a hazardous materials incident, guidelines and principles for protecting the health and safety of response personnel, fundamentals of response team organizations and operations, proper use of

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chemical protective clothing and direct reading instruments, defensive confinement techniques, evaluation considerations and methods of communicating the status of the planned response, and any other areas as directed by the employer.

B) Funding for refresher training is covered under Section 140.236 Hazardous Materials Refresher Training.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.232 Hazardous Materials Technician

a) Hazardous Materials Technician is a series of two courses designed for the training and development of Hazardous Materials Response Team Members. Hazardous Materials Technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.

b) Hazardous Materials Technician A involves procedures for and entry into the "hot zone."

c) Hazardous Materials Technician B involves the thought processes, rescue procedures and tactics and strategy.

d) Both Hazardous Materials Technician A and Technician B are required to satisfy the requirements in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992). Both Technicians are shall be trained to meet requirements of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.120 (1990), or the United States Environmental Protection Agency (EPA), 40 CFR 311 (1990), whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120.

e) Professional qualifications for Technicians are identified in NFPA-472 (1992) Standard for Professional Competence of Responders to Hazardous Materials Incidents hereby incorporated by reference and containing no later editions or amendments.

f) Prerequisites - Hazardous Materials Technician A is granted to those persons who have met the following qualifications:

- 1) Certification as a Hazardous Materials Responder-Operations.
- 2) Successful completion of the Hazardous Material Technician A course.

3) Be a Certified Firefighter III. A Certified Firefighter II may take the Hazardous Materials Technician training as part of the Firefighter III program however Hazardous Materials Technician certification will not be awarded until the individual has achieved Firefighter III certification.

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4) The individual must be a certified Firefighter III and Certified Hazardous Materials Certified First-Responder-Operations to take State written and practical the exam.

5) See Section 140.50(a).

f) Prerequisites - Hazardous Materials Technician B is granted to those persons who have met the following qualifications:

- 1) Certification as a Hazardous Materials Responder-Operations.
- 2) Successful completion of the Hazardous Materials Technician A and Hazardous Materials Technician B courses.
- 3) Be a Certified Firefighter III.

4) The individual must be certified Firefighter III, Certified

Hazardous Materials - Operations, and have successfully completed a Hazardous Materials Technician A course before taking the State exam.

5) See Section 140.50(a).

g) Funding. A minimum of 40 hours and a maximum of 56 1/2 hours is available for reimbursement funding for Hazardous Materials Technician A and a minimum of 40 hours and maximum of 56 hours is available for reimbursement funding for Technician B. The Office will fund this level of training only one time. If not a firefighter III, hours may be used for firefighters III. Hours accumulated toward Hazardous Materials Technician certification while a person is a Certified Firefighter II may be included in the hours allowed for Firefighter III.

h) Instructor Requirements. Certified Fire Service Instructor II and certified Certified to the level the individual is teaching Hazardous Materials Technician.

i) Facility. Certification and delivery systems. Educational institutions institutions and fire departments desiring to offer the Hazardous Materials Technician A and Technician B programs program will be required to:

- 1) File Course Approval forms. (See Section 140.15).
- 2) Use a facility which has a classroom and have the equipment which meets the Office approved course needed to complete the Student Performance Objectives.

5) Course description - Hazardous Materials Technician provides a learning experience of concepts and the hazards associated with them and provide an in-depth instruction in how to safely control and mitigate a hazardous materials incident. The course objectives are identified in NFPA-472 Standard for Professional Competence of Responders to Hazardous Materials Incidents (1992) hereby incorporated by reference and including no later editions or amendments.

id) State Certification Practical Skill Examination.

- 1) The State state practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of

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- Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials Technician.
- 2) Instructors should contact the Office for this practical skill examination.
 - 3) All practical skill examinations must be administered by a Certified Hazardous Materials Technician.
 - 4) After the Practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file.
- ~~X) State Certification Written Examination. To be Certified as a Hazardous Materials Technician A and Technician B, candidates must take and pass the State written examinations for each module examination. See Section 140.8. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Hazardous Materials Technician. See Section 140.8. Prerequisite for taking the State state examination is certification as a Hazardous Materials First Responder-Operations.~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.241 Confined Space/Trench Rescue Awareness

- a) Confined Space/Trench Rescue Awareness is designed to give fire personnel a basic awareness of requirements, hazards and techniques of rescue in confined spaces and trenches.
- b) Training will meet rulings of Federal, State and local jurisdictions: OSHA 29 CFR 1910.146 (1993); OSHA 29 CFR 1926 Subpart P; Illinois Department of Labor.
- c) Professional qualifications require completion of the Office approved Confined Space/Trench Rescue Awareness course.
- d) Confined Space/Trench Rescue Awareness is designed as the introductory step in the acquisition of knowledge and skills required to safely perform a rescue.
 - 1) Prerequisites - Confined Space/Trench Rescue Awareness Certification is granted to those persons in the fire service who have met the following qualifications:
 - A) Certification as a Firefighter II.
 - B) Successful completion of a course consisting of Confined Space/Trench Rescue Awareness, including written and practical exams.
 - C) Prerequisite for taking State examination is Firefighter II certification.
 - D) See Section 140.50(a).
 - 2) Funding. A maximum of 12 hours is available for reimbursement funding. The Office will fund this level of training only one time.
 - 3) Instructor Requirements. Be a Lead Instructor or the Instructor

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- of Record shall be Instructor I and Confined Space/Trench Rescue Awareness.
- 4) Facility Certification and Delivery System. Educational Institutions and fire departments desiring to offer the Confined Space/Trench Rescue Awareness program will be required to:
 - A) File Course Approval forms annually. See Section 140.15.
 - B) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives.
 - 5) State Certification Written Examination. To be certified in Confined Space/Trench Rescue Awareness, candidates must supply proof of passage (class completion roster, transcript or certificate) of locally administered written exam and pass the State written examination. See Section 140.8.
 - e) Equivalent courses. Only approved courses will be acceptable for certification.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 140.242 Rescue Specialist - Confined Space

- a) Rescue Specialist - Confined Space, is designed to give fire service personnel the necessary understanding, knowledge and skills to safely perform confined space rescue to the level specified by the Division of Personnel Standards and Education.
- b) Individuals who receive this training will have the basic skills required in rulings of Federal, State and local jurisdictions: OSHA 29 CFR 146 (1993); and the Illinois Department of Labor.
- c) Prerequisites - Rescue Specialist - Confined Space certification is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:
 - 1) Certification as a Firefighter II, Confined Space/Trench Rescue Awareness and Vertical Ropes and Ropes II.
 - 2) Successful completion of Office approved course, including passage of local testing and State written and practical examinations.
 - 3) Prerequisite for taking the course is:
 - A) Successful completion of Confined Space/Trench Rescue Awareness and Vertical Ropes and Ropes II.
 - B) Prerequisite for taking State written and practical examination is certification as a Firefighter II.
 - C) See Section 140.15(a).
 - d) Funding. A maximum of 12 hours is available for reimbursement funding. The Office will fund this level of training only one time.
 - e) Instructor Requirements. Be a Lead Instructor or the Instructor

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- 2) Lead Instructor shall recertify annually.
- 3) Instructor recertification shall consist of a method of refresher and evaluation in Office approved course.
- 4) There shall be a minimum of two instructors per course, one of whom is Lead Instructor, and one instructor for each additional six students.
- 5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.
- f) Facility certification and delivery system. Educational institutions and fire departments desiring to offer the Rescue Specialist - Confined Space program will be required to:
 - 1) File Course Approval Forms annually (see Section 140.15).
 - 2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified by the Office.
- 3) Notify the Office prior to each course delivery.
- g) State Certification Written Examination. To be certified as a Rescue Specialist - Confined Space, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examination see Section 140.81.
- h) State Certification Practical Skill Examination.
 - 1) The State practical skill examination consists of a series of evolutions contained in an Office approved course. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.
 - 2) The State practical skill examination shall be administered by a Lead Instructor, or Instructor of Record who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist - Confined Space.
 - 3) See Section 140.81(1), (2) and (3).
- i) Equivalent courses.
 - 1) See Section 140.70(c)(2) and (3).
 - 2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.13.
 - 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exam will invalidate the equivalency evaluation and require the individual to take and successfully complete an Office approved program prior to taking the State written and practical exam a second time.
 - 4) Equivalent courses are not eligible for reimbursement funding.
 - 5) Requests for equivalency course will not be accepted after June 30, 1998.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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Section 140.243 Rescue Specialist - Trench I

- a) Rescue Specialist - Trench I is designed to give fire service personnel the ability to have the necessary understanding, skills and knowledge to safely perform trench rescue to the level specified by the Division of Personnel Standards and Education.
- b) Individuals who receive this training will have the basic skills required in rulings of federal, State and local jurisdiction, OSHA 29 CFR 1926, Subpart P and 56 Ill. Adm. Code 350.280.
- c) Prerequisites - Rescue Specialist - Trench I certification is granted to those individuals who have completed a minimum 16 student contact hour course and meet the following qualifications:
 - 1) Certification as a Firefighter II and Confined Space/Trench Rescue Awareness.
 - 2) Successful completion of Office approved course, including passage of local testing and State written and practical examinations.
 - 3) Prerequisite for taking the course is successful completion of Confined Space/Trench Rescue Awareness.
 - 4) Prerequisite for taking State written and practical examination is certification as Firefighter II.
 - 5) See Section 140.50(a).
- d) Funding - A maximum of 24 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- e) Instructor Requirements.
 - 1) Lead Instructor or Instructor of Record shall be Instructor II, Confined Space/Trench Rescue Awareness, and Rescue Specialist - Trench I.
 - 2) Lead Instructor shall recertify annually.
 - 3) Instructor recertification shall consist of a refresher and evaluation of Office approved course.
 - 4) There shall be a minimum of two instructors per course, one of whom is Lead Instructor, and one instructor for each additional six students.
 - 5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.
- f) Facility certification and delivery system. Educational institutions and fire departments desiring to offer the Rescue Specialist - Trench I program will be required to:
 - 1) File Course Approval Forms annually (See Section 140.15).
 - 2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the specifications Office approved course.
 - 3) Notify the Office before each course delivery.
- g) State Certification Written Examination. To be certified as a Rescue Specialist - Trench I, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical

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examinations. (See Section 140.8).

h) State Certification Practical Skill Examination.
1) The State practical skill examination consists of a series of evolutions contained in the Office approved course.

2) The State practical skill examination shall be administered by a Lead Instructor, who is certified as a Fire Service Instructor II, Confined Space/Trench Rescue Awareness and Rescue Specialist - Trench I. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.

3) See Section 140.8(1)(1), (2) and (3).

i) Equivalent courses.

1) See Section 140.70(c)(2) and (3).

2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.

3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to successfully complete an Office approved program prior to taking the State written and practical examination a second time.

4) Agency courses are not eligible for reimbursement funding.

5) Requests for equivalency course will not be accepted after June 30, 1998.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 140.245 Rescue Specialist - Vertical I/Ropes and Rigging

a) Rescue Specialist - Vertical I/Ropes and Rigging is designed to give fire service personnel the ability to have the necessary understanding, knowledge and basic skills to safely analyze, manipulate and perform rope and rigging rescues to the level specified by the Division of Personnel Standards and Education.

b) Individuals who receive this training will have the basic skills required in trainings of Recetal, State and local jurisdictions, and NFPA 1933 (1990).

c) Prerequisites - Rescue Specialist - Vertical I/Ropes and Rigging is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:

1) Certification as a Firefighter II, Confined Space/Trench Rescue Awareness.

2) Successful completion of Office approved course, including passage of local testing, and State written and practical examinations.

3) Prerequisite for taking the course is: Successful completion of

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Confined Space/Trench Rescue Awareness.

4) Prerequisite for taking State written and practical examination is certification as Firefighter II.

5) See Section 140.50(a).

d) Funding - A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.

e) Instructor Requirements.

1) Lead Instructor of Instructor of Record shall be Instructor II, Confined Space/Trench Rescue Awareness, Rescue Specialist - Vertical II.

2) Lead Instructor shall recertify annually.

3) Instructor recertification shall consist of a method of refresher and evaluation as prescribed in the Office approved course.

4) There shall be a minimum of two instructors per course, one of whom is Lead Instructor, and one instructor for each additional six students.

5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.

f) Facility certification and delivery system. Educational institutions and fire departments desiring to offer the Rescue Specialist - Vertical I/Ropes and Rigging program will be required to:

1) File Course Approval Forms annually (see Section 140.15).

2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified in the Office approved course.

3) Notify the Office prior to any course delivery.

g) State Certified Written Examination. To be certified as a Rescue Specialist - Vertical I/Ropes and Rigging, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams.

h) State Certification Practical Skill Examination.

1) All practical skill examinations are supplied by the Division. The examination package consists of the lists of evolutions to be completed and the Practical Examination Key. The evaluation package contains an attestation by the Fire Chief or School Director and certified instructor that the tasks have been successfully completed. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.

2) The State practical skill examination shall be administered by a Lead Instructor, who is certified as a Fire Service Instructor II, Rescue Specialist Vertical I/Ropes and Rigging and Vertical II/High Angle.

3) See Section 140.8(1)(1), (2) and (3).

i) Equivalent courses.

1) See Section 140.70(c)(2) and (3).

2) An equivalent course must meet the performance objectives listed in the Office approved course. See Section 140.18.

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- 3) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical examination one time. Failure of either the written or practical examination will invalidate the equivalency evaluation and require the individual to successfully complete an Office approved program prior to taking the State written and practical examination a second time.
- 4) Equivalency courses are not eligible for reimbursement funding.
- 5) Requests for equivalency course will not be accepted after June 30, 1998.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 140.246 Rescue Specialist - Vertical II/High Angle

- a) Rescue Specialist - Vertical II/High Angle is designed to give fire service personnel the ability to have the necessary advanced understanding, knowledge and skills to safely perform advanced high angle rescues, slope rescues and below grade rescues as specified by the Division of Personnel Standards and Education.
- b) Individuals who receive this training will have advanced skills required in rulings of Federal, State and local jurisdictions, NFPA 1983 (1990).
- c) Prerequisites - Rescue Specialist - Vertical II/High Angle certification is granted to those individuals who have completed a minimum 40 student contact hour course and meet the following qualifications:
- 1) Certification as a Firefighter II and Rescue Specialist - Vertical I/Ropes and Riggings.
 - 2) Successful completion of Office approved course, including passage of local testing and State written and practical examinations.
 - 3) Prerequisite for taking the course is successful completion of Confined Space/Trench Rescue Awareness.
 - 4) Prerequisite for taking State written and practical examination is certification as Firefighter II.
 - 5) See Section 140.50(a).
- d) Funding - A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.
- e) Instructor Requirements.
- 1) Lead Instructor or Instructor of Record shall be Instructor II, Confined Space/Trench Rescue Awareness, Rescue Specialist - Vertical II.
 - 2) Lead Instructor shall recertify annually.
 - 3) Instructor recertification shall consist of a method of refresher and evaluation as prescribed in the Office approved course.
 - 4) There shall be a minimum of two instructors per course, one of

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whom is Lead Instructor, and one instructor for each additional six students.

5) All other instructors on site shall be a minimum of Instructor I and certified to the level they are teaching.

f) Facility certification and delivery system. Educational institutions and fire departments desiring to offer the Rescue Specialist - Vertical II/High Angle program will be required to:

- 1) File Course Approval Forms annually (see Section 140.15).
- 2) Use a facility which has been pre-approved by the Office before each course delivery and which meets the requirements specified in the Office approved course.

- 3) Notify the Office prior to each course delivery.
- g) State Certification Written Examination. To be certified as a Rescue Specialist - Vertical II/High Angle, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written and practical examinations. (See Section 140.9)
- h) State Certification Practical Skill Examination.

- 1) The State practical skill examination consists of a series of evolutions contained in the Office approved course. The school shall inform the Office of the date of the State practical examination to allow for Office staff or delegate to observe.
- 2) The State practical skill examination shall be administered by a Lead Instructor or Instructor of Record, who is certified as a Fire Service Instructor II, Rescue Specialist - Vertical I/Ropes and Riggings and Rescue Specialist - Vertical II/High Angle.
- 3) See Section 140.3(1)(1), (2), and (3).

- 1) Equivalent course. Only approved courses will be approved for certification.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 140.430 Reciprocity

- a) Reciprocity. The Office agrees to examine the certification credentials of individuals certified by other entities accredited by the International Fire Service Accreditation Congress to determine which level of certification, if any, is applicable. See Section 140.18.
- b) When a course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time. Failure of either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Office approved program prior to taking the State written and practical exam a second time.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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Section 140.500 Fees

The Office hereby adopts the following fee schedule for the Division of Personnel Standards and Education:

Approval Review of Facilities (Sections 140.11 and 140.12)	\$ 0.00
Administering examinations, per examination (Section 140.8)	0.00
Review of equivalency courses (Section 140.18)	0.00
Review of Course Approval Requests (Section 140.15)	0.00
Fee for Certificates (all training levels)	0.00
Fee for special examinations not on regular schedule	75.00
and travel expenses in accordance with the rates established in 80 Ill. Adm. Code 3000 (in addition to examination fee, above)	

Fees must be paid in advance, except for travel expenses, which the requesting organization must agree in writing to pay upon demand. Organizations may elect to pay the traveler directly for travel expenses but only at the rates established in 80 Ill. Adm. Code 3000.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF THE LOTTERY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Lottery (General)

2) Code Citation: 11 Ill. Adm. Code 1770

3) Section Number:

1770.10	Amendment
1770.20	Amendment
1770.40	Amendment
1770.50	Amendment
1770.60	Amendment
1770.80	Amendment
1770.110	Amendment
1770.130	Amendment
1770.190	Amendment
1770.220	New Section

4) Statutory Authority: Sections 7.1 and 7.2 of the Illinois Lottery Law (20 ILCS 1605/7.1 and 7.2) and Executive Order 96-2, effective July 1, 1986.

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments define "claim" in connection with Lottery prizes and clarify prize claim and redemption procedures, including the levels of prizes which may be redeemed or claimed at agent locations and at Lottery regional or administrative offices; include criminal history and tax status as considerations in granting or denying a Lottery application; clarify that an agent's license may be revoked without notice and prior opportunity for hearing where the Department has received no prior notice of a change of ownership from the seller or buyer; address voluntary surrender of a Lottery license by an agent; apply the same standards to non-renewal of a license by the Department as to revocation of a license; specify the Department's documentation requirements for and treatment of changes of ownership, name, type of business organization, and business location; establish procedures for payment of prizes in connection with certain lost or stolen tickets; make a technical correction to prize liquidation provisions; and establish priority of rules on file at the Department's main office.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Statement: This proposed amendment, which creates nor expands a State Mandate as defined in Section 3(b) of the

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State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these proposed amendments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be directed to:

Lisa Crites
Rules Coordinator
Illinois Lottery
201 E. Madison St.
Springfield, IL 62702
Tel. 217/524-5253

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not-for-profit corporations holding or applying for a license to sell Illinois Lottery tickets would be affected by these proposed amendments.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are imposed upon existing Lottery agents. In rare circumstances where the only notification of a change of ownership comes from the new applicant, that applicant may be required to document acquisition of the business by furnishing a copy of the purchase agreement or other legal document.
- C) Types of professional skills necessary for compliance: No professional skills are necessary for compliance with these proposed amendments.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995 and January 1996.

The full text of the Proposed Amendments appears on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE C: LOTTERY
CHAPTER II: DEPARTMENT OF THE LOTTERY
PART 1770
LOTTERY (GENERAL)

Section	Definitions
1770.10	Selection of Lottery Sales Agents; License Application and Fee;
1770.20	On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
1770.150	Sales, Inspection, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming of Prizes and Transfers to Common School Fund
1770.200	Eligibility to Buy
1770.210	Sale of Promotional Items
1770.220	Priority of Rules

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2] and Executive Order 36-2, effective July 1, 1986.

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 9, 1995; amended at 20 Ill. Reg. _____, effective _____.

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Section 1770.10 Definitions

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law⁷ [20 ILCS 1605] **as-amended**.

"Agent" or "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell lottery tickets under Sections 9.d, 10 and 10.1 of the Act.

"Applicant" means a person who has applied to the Director for a license to sell lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery Agent of a lottery regional or administrative office for payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part. The amount of a prize claim is determined by deducting the amount of the wager from the verified prize amount.

"Department" means the Illinois Department of the Lottery.

"Director" means the Director of the Department of Lottery.

"Employee of the Department" means an employee of the Department of the Lottery.

"Game" means any individual or particular type of lottery authorized by the Department.

"License" means a license, issued by the Director pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's Licensing Unit. Each license thereafter approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be applicable.

"Licensed Agent" or "Lottery Sales Agent" or "Licensed Sales Agent" means a person permitted by a license issued by the Director under the

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authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the Lottery established and operated pursuant to the Act.

"On-line status" means the ability of an agent to sell computer-generated Lottery game tickets or shares through a terminal connected to a Lottery central system.

"Person" shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department of the Lottery, and also including any county, city, village, or township and any agency and instrumentality thereof.

"Point of Sale" means the physical location where a licensed agent is authorized to conduct the sale of lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the Lottery.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Special License" means a license issued by the Director limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 of this Part.

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

"Ticket" means a lottery ticket or share issued by the Department for sale to the general public.

(Source: Amended at 20 Ill. Reg. _____, effective

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Section 1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-line Status

a) The Director shall license as Sales Agents, persons engaged in business activity dealing with the public provided, however, that the sole proprietors, partners, corporate officers or principals of an applicant must be 18 years of age or older to be eligible to apply for a license. The total number of Sales Agents shall be sufficient to assure that lottery products are conveniently available to the public throughout the State, consistent with the constraints of the Department's budget. Any person interested in obtaining a license as a Sales Agent, must first fill out an application with the Department, on such forms as may be provided by the Department. The Department will have a representative meet with the applicant to discuss the responsibilities of selling lottery products, and gather information concerning the applicant and his business establishment concerning the factors listed below. The Director shall give careful consideration to the following factors in selecting as Sales Agents those persons which one may expect to provide a high level of sales volume of lottery products, proper security for the lottery equipment, tickets and money, and a good public image for the State's lottery products.

- 1) The credit worthiness and financial responsibility of the applicant as disclosed by standard credit reporting services, the records of the State and such other credible information bearing upon the credit worthiness of the applicant as may be brought to the attention of the Director.

2) The criminal history and tax status of the applicant as disclosed in the application or in records of the State.

3) The physical security of the applicant's establishment in terms of the physical structure and design of the applicant's facilities as it would relate to the placement of lottery equipment, the sale of lottery products and the storage of lottery receipts.

4) The public accessibility of applicant's place of business or activity, including accessibility from roads, major highways, parking facilities, public transit routes, accessibility by the disabled, proximity of pedestrian traffic, hours of operation of applicant's business, and the cleanliness, attractiveness and physical security of the premises.

5) The number of existing lottery sales licenses in the vicinity.

6) The nature of the applicant's business and the volume of the applicant's sales from his regular business in order to assure that the sale of lottery products will be ancillary to the applicant's regular business.

7) The level of anticipated or projected sales from the general area in which the applicant's business is located taking into

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consideration the demographics of the neighborhood or locality, the proximity of the location to population centers and the average sales for other comparable agents.

8) The character of the applicant and his or her reputation for honesty and integrity in the community.

9) The veracity of the information supplied in the license application.

10) The merchandising skills and business experience of the applicant, including the tenure of applicant's business at the proposed location.

11) The applicant may provide any information relating to the above listed factors to the Department's representative at the time of the site visit or may include any information relating to these factors at the time of submission of the application.

b) The Director shall make available forms for application for lottery sales licensing. Each license application shall be accompanied by a non-refundable \$10 application fee, which application and fee should be mailed or delivered to the Office of the Director located at:

Director

Illinois Department of the Lottery

201 East Madison Street

Springfield, Illinois 62702

c) The license fee described in subsection (b) will be waived by the Department if the period of the license does not exceed 30 days.

d) The Director may grant a licensed Sales Agent on-line status based upon an evaluation conducted by an employee of the Department. The evaluation will include, but shall not be limited to:

- 1) Performance as an Instant Sales Agent, including sales volume, settlement practices and compliance with Department procedures;
- 2) Financial responsibility;
- 3) Proximity to existing on-line Sales Agents;
- 4) Ability to pay valid winning tickets;
- 5) Days and hours of operation;
- 6) Accessibility of the Sales Agent's place of business, including available parking, proximity of public transit stops and accessibility by the disabled; and
- 7) Anticipated volume of on-line sales.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1770.40 License Revocation Without Prior Notice

a) Pursuant to Section 10.1 of the Act, the Director must act to assure that no person whom the Act declares to be "ineligible for a license" is granted a license and that no licensed sales agent who becomes "ineligible" under the Act is allowed to remain as a licensed sales agent. The Director may revoke the license of any agent who violates

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the Act or any rule promulgated pursuant to the Act. The Director may revoke a license without notice or prior hearing, upon determining any of the following:

- 1) That an agent has been convicted of a felony or any crime involving fraud, misrepresentation, moral turpitude or failure to pay taxes;
- 2) That the agent, or an employee of the agent engaged in or responsible for lottery ticket sales, has been arrested for bookmaking or any other form of illegal gambling;
- 3) That the agent has been found guilty of any fraud or misrepresentation;
- 4) That the agent has commingled and has failed to segregate Lottery funds from other funds, or has failed to surrender such funds and/or unsold instant tickets upon demand by the Department or its authorized agent, or has carried an accounts receivable balance in excess of \$500 for more than 90 days;
- 5) That the agent has failed to take reasonable security precautions with regard to the handling of lottery tickets and related materials;
- 6) That the agent has ceased to offer Lottery products for sale, or has changed business ownership, as defined in Section 1770.80(d) herein with no prior notice to the Department by the seller or buyer;
- 7) That, on the basis of information made available to the Director since the agent was licensed, the Director finds that the agent's character and general fitness are such that his or her participation as an agent is inconsistent with the public interest, convenience and necessity.
- b) In the event the Director revokes a license without notice and an opportunity for a prior hearing, the Director shall, by appropriate notice furnished pursuant to 11 Ill. Adm. Code 1700.30, afford the person whose license has been revoked an opportunity for a hearing within thirty days after the revocation order has been issued. As a result of any such hearing the Director may confirm the action revoking the license, or may order the restoration of the license. In determining whether to confirm the action revoking the license, or order the restoration of the license, the Director shall take the following factors into consideration, if applicable:
 - 1) the agent's history of past offenses;
 - 2) whether the agent's course of conduct constituted a threat to the safety of the agent, Department Officials, or others;
 - 3) any evidence of the agent's ignorance of a material fact which led to his unlawful conduct;
 - 4) the degree of cooperation exhibited by the agent with Department Officials;
 - 5) the degree to which the agent profited economically as a result of his conduct;
 - 6) any other evidence offered and noted by the Hearing Officer as

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demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.

- c) The Director may suspend, with or without notice or prior hearing, the license of any agent who violates this Act or any rule or regulation promulgated pursuant to this Act. In the event the Director suspends a license without notice and an opportunity for prior hearing, the Director shall, by appropriate notice, as provided by 11 Ill. Adm. Code 1700.30, afford the person whose license has been suspended an opportunity for a hearing within thirty days after the suspension order has been issued. As a result of any such suspension, the Director may confirm suspension of the license or may rescind the suspension. In determining whether to confirm the action confirming suspension or rescinding the suspension, the Director shall take the following factors into consideration, if applicable:
 - 1) the agent's history of past offenses;
 - 2) whether the agent's course of conduct constituted a threat to the safety of the agent, Department Officials, or others;
 - 3) any evidence of the agent's ignorance of a material fact which led to his unlawful conduct;
 - 4) the degree of cooperation exhibited by the agent with Department Officials;
 - 5) the degree to which the agent profited economically as a result of his conduct;
 - 6) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.
- d) Upon termination of an agent's license, the Department shall arrange, and the agent shall participate in, a meeting with the Department's representative for the purpose of rendering the agent's final lottery accounting.
- e) Upon receipt of notice of revocation, the agent shall surrender immediately to the Director or his or her designee, his agent's license and other lottery equipment and materials supplied to the agent by the Department, its on-line games vendor or its instant ticket validation service vendor. Service notice shall be by certified mail. Service is deemed completed if returned unopened, when mailed to the agent's last known address, with proper postage prepaid.
- f) Nothing in this Section shall be construed to prevent the immediate termination of an agent's license upon agent's request and the Department's approval thereof, or upon the effective date of a change in ownership for which the Department has received written documentation. The right to a hearing shall not apply in such circumstances.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 1770.50 License Revocation, Suspension, Non-Renewal or Denial With Prior Notice

The Director may deny, suspend, not renew or revoke an agent's license with prior notice and opportunity for hearing for one or more of the following causes:

- a) violation of any of the provisions of the Act or this Part;
- b) failure to meet or maintain the eligibility requirements for licensing as provided in the Act and these rules, and the Conditions of Licensing set forth in Section 1770.60 of this Part;
- c) fraud, deceit, misrepresentation or other conduct prejudicial to public confidence in the Lottery;
- d) the misrepresentation of, or failure to disclose, a material fact to the Board or the Director on any report, record, application, form or questionnaire required to be submitted to the Board or the Director, including, but not limited to, the misrepresentation of or failure to disclose a criminal record, taxpayer status with the State of Illinois or relevant information bearing on the financial status of the applicant;
- e) failure to promptly produce for inspection, by a member of the Board, the Director, or their authorized representatives, including law enforcement personnel, required by the Act or this Part;
- f) refusal to permit access to members of the Board, the Director, or their authorized representatives, including law enforcement personnel, to any place where a licensed lottery activity is conducted;
- g) failure to file any returns or reports or to keep any records or reports as required by the Director under the Act or this Part;
- h) failure to account for lottery tickets received or the proceeds from the sale of lottery tickets, or to post a bond if so required by the Director;
- i) failure to maintain sales levels established by Department directive;
- j) failure to comply with the instructions or directives of the Director as to security procedures for the handling of lottery tickets or the conduct of any lottery game;
- k) knowingly causing, aiding, abetting or conspiring with any other person to violate this Act or this Part;
- l) making a misrepresentation of fact to the purchaser, or prospective purchaser, of a lottery ticket, or to the general public, with respect to the conduct of any lottery game;
- m) upon a determination by the Director that the number of lottery sales agents in agent's area of operation exceeds the number which can be efficiently supported by the Department's budget or personnel, or the public convenience in obtaining lottery products is sufficiently served by other agent locations considering the total volume of sales in such area;
- n) failure to pay the Department any obligation when said obligation becomes due;

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- o) upon a determination by the Director that the licensed agent has become insolvent or unable or unwilling to pay his debts;
- p) failure to display lottery point-of-sale material in a manner which can be readily seen by the public, or make hand-out materials readily available to the public;
- q) upon any change of business ownership, business organization or business location.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1770.60 Conditions of Licensing

Lottery sales licenses are subject to the following conditions of licensing:

- a) The lottery sales license issued by the Department shall be issued to a person, as defined by Section 1770.10, for a specified point of sale, as defined by Section 1770.10, on the condition that the licensed sales agent maintains eligibility under the applicable criteria under which the license was granted by the Director, as defined in Section 1770.20;
- b) Licensees shall, at all times during the term of licensure, comply with the Act and any rules, instructions of the Director concerning the security of lottery equipment, tickets or money;
- c) Each licensed agent shall make available for sale to the public, during its normal business hours, those Illinois State Lottery ticket products which the agent has been licensed to sell. No agent shall offer for sale any gambling or gaming tickets or chances other than those for which the agent is specifically licensed by the Illinois Department of the Lottery or other department, board or commission of the State of Illinois;
- d) No license issued pursuant to the Act shall be transferable or assignable;
- e) Lottery sales licenses and placards stating game play odds for Lottery games shall be displayed in a conspicuous place on the business premises where the lottery tickets are licensed to be sold;
- f) Lottery licensees shall actively promote the sale of Illinois State Lottery tickets;
- g) Licensees shall maintain authorized displays, drop boxes, equipment and properly display other promotional materials used in conjunction with sales in accordance with instructions issued by the Department. Each licensee will be held responsible for all tickets accepted from the Department or its distribution agents, by licensee, its agents or employees. All unsold tickets and receipts from sales, less commissions from such sales and less such sums as have been paid by licensees to winners of prizes in the manner prescribed by directives of the Department, shall be returned to the Department or its distribution agents by the stated settlement deadlines. Tickets not returned by settlement deadlines shall be considered to have

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been purchased by the agent;

- h) Each agent shall maintain current and accurate records of all operations in conjunction with sales in conformity with rules, of the Department. Such records shall be made available to representatives of the Department and the Auditor General of Illinois;
- i) No person shall sell a ticket or share at a price greater or less than that fixed by rule of the Department; provided, the Department may enter into ticket couponing and ticket discount couponing promotions in support of marketing activities. No "service" charge, "handling fee" or other cost shall be added by any person to the established price of a ticket or share. No person shall charge a fee to redeem valid winning tickets or shares;
- j) No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent;
- k) No person other than a lottery sales agent shall sell lottery tickets;
- l) Licensed agents shall sell lottery tickets on a face-to-face or authorized dispensing machine basis only on the business premises designated in the license, and shall not conduct sales to off-premises customers by telephone, mail, parcel delivery service, or through an agent-sponsored vehicle such as a club, players' association, or similar entity;
- m) No lottery ticket shall be sold to a person under the age of 18 years;
- n) Each licensee shall hold the Department and the State of Illinois harmless with respect to any liability arising in connection with agent ticket sales activities;
- o) Each licensee shall immediately report to the Department the loss or theft of any lottery tickets consigned to the licensee, with the ticket identification numbers;
- p) Each licensee shall redeem all winning instant game tickets presented to the licensee for prizes of less than \$600. Each on-line agent shall redeem all winning tickets of any Lottery games presented to the licensee for prizes of less than \$600. No agent shall redeem a winning ticket valued at \$600 or more, but shall instead follow established prize claim procedures;
- q) No license shall be granted to any applicant whose prior license has been revoked pursuant to these rules, when the effective date of revocation has been less than two years prior to the date of the current application;
- r) No licensed agent shall sell lottery tickets or shares issued by any governmental authority, state or of another state, other than tickets and shares for games operated by Illinois State Lottery;
- s) All lottery proceeds are funds of the State of Illinois, must be separately segregated from other business or personal funds, must be held in trust on behalf of the Illinois Lottery, and the agent must, under penalty of law, maintain a separate bank account exclusively for deposit and transfer of weekly lottery fund settlements by means of an Electronic Fund Transfer system. The account must be designated on

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the bank's records as "Lottery Trust Fund Account."

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1770.80 Change of Name, Ownership, or Form of Business Organization

- a) Every change in the name, ownership or form of business organization of the business designated in the license as permitted to offer to the public lottery tickets, shall be reported by the licensed agent to the Director thirty days prior to effective date of change. Reporting may be accomplished by completing a departmental form provided for such purpose or by mailing notice of the proposed change by certified mail, return receipt requested, postmarked on or before the thirtieth day prior to the effective date of change, and addressed to the Department at the following address:
Illinois Lottery
201 East Madison Street
Springfield, Illinois 62702
- b) "Change of name" means a change in the name of the business designated in the license, by which name the business is intended to be known to the public.
- c) "Change of business organization" means a change from one form of organization and ownership of the business, as permitted by the laws of the State, to another, including, but not necessarily limited to, general partnerships, limited partnerships, corporations and proprietary ownership.
- d) "Change of ownership" means the transfer of more than 50% of the equity, management control, legal ownership, shares or stock of the business designated in the license.
- e) Each notification of change of name, ownership or form of business organization of a licensee communicated to the Director shall include the following information:
 - 1) the name, address and agent identification number of the licensed agent;
 - 2) the name of the business as it appears on the license;
 - 3) the proposed new name of the business designated in the license, if applicable;
 - 4) the current form of business organization;
 - 5) the proposed form of business organization, if applicable;
 - 6) the current owners, managers or shareholders of the business, as is indicated in the license;
 - 7) the proposed changes of ownership, including the names and addresses of the proposed new owners, managers or shareholders, the percentage of proposed transfer of equity, management control, legal ownership, shares or stock; and
 - 8) the anticipated date of the proposed change in name, business organization or ownership.

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f) The Director shall review the changes, considering current licensing standards, as provided in the Act and this Part.

g) The Director, upon approval of a the change in name or a change in business structure which does not also involve a change in ownership, or ownership shall issue a new replacement license reflecting the new name of business structure or ownership. The replacement license shall have an expiration date no later than the expiration date provided in the previous license.

h) Except as provided below, any change of business ownership shall necessitate termination of the existing licensing agreement, as of the effective date of the change of ownership. The new owner must submit an application and fee as provided in Section 1770.20 of this Part. If the existing agent has not provided the Department with required written notification of the change, the applicant may be required to furnish documentation evidencing the change in ownership, such as a sales contract. In the event of change of ownership of a corporate chain or franchise in which a business at a licensed location continues operation under the franchisor or chain corporate management, and upon corporate guarantee and assumption of the financial obligations of the licensee, a license may be assigned to the corporate sponsor and need not be terminated. The new replacement license shall have an expiration date no later than the expiration date as provided in the previous license.

i) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for the benefit of creditors of any licensed agent or business as designated in the license held by a licensed agent, and upon approval of the Director, the license may continue under a court-approved or court-confirmed guardian, executor or administrator, receiver or trustee for the benefit of creditors, who may continue to operate the business designated under the license, subject to the provisions of this Act and this Part, including the requirements that: 1) the person to whom the license is transferred must be otherwise qualified to hold a license;

2) the license following the transfer shall be void in the event the license transferee ceases to hold such court-appointed or court-confirmed position;

3) the Director may condition the transfer of any license under this Section upon the posting of a bond on such terms and under such conditions as the Director may deem necessary to protect the financial interests of the State, provided that any such bond shall reflect the reasonably anticipated risk of transfer.

j) Every change in the location of the business designated in the license shall be reported to the Director no less than thirty days prior to the effective date of the change. If such change results from severe damage to or destruction of the business premises specified in the license, as a result of fire, natural disaster or other cause beyond the control of the licensed sales agent, the licensed sales agent shall promptly notify the Director of such destruction or damage to

the business premises, and the consequent change of location, but in no case shall such notification be later than three days after such damage to or destruction of the premises or change of location. Upon such notification, the Director shall consider the factors set forth in Section 1770.20 of this Part to determine whether the agent should be licensed to sell tickets at the new location. Upon the Director's approval, a replacement license shall be issued having an expiration date no later than that of the agent's original license.

k) Except as otherwise provided in this Section, any change of business ownership or business organization shall necessitate termination of the existing licensing agreement as of the effective date of the change of ownership or form of business organization. In situations where the existing agent notifies the Department of a change of ownership or business organization and requests license termination as of the date of change, no notice of license revocation or intent to hearing shall be required. However, where no such notice is given by the existing agent, the Director shall notify the agent within five working days of receipt of the notification of change of ownership or form of business organization as to the effective date of such termination and the right of the agent to a hearing as provided by Section 1770.90 of this Act. Code 1991. The Director's notice to the agent shall be deemed accomplished by depositing the same in the United States mail, postage prepaid, addressed to the agent at the agent's address as contained in the official State lottery and will be mailed certified mail, return receipt requested. The Director's return receipt shall constitute evidence of mailing. In the event of change of ownership of a corporate chain or franchise in which a business at a licensed location continues operation under the franchisor or chain corporate management, and upon corporate guarantee and assumption of the financial obligations of the licensee, a license may be assigned to the corporate sponsor and need not be terminated.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1770.110 License Expiration and Renewal

All licenses issued by the Department pursuant to this Act shall be valid for a period not to exceed two years after issuance unless sooner revoked, cancelled or suspended. The license may be terminated before the expiration date by the Director in accordance with this Part. To be eligible for license renewal, an agent must submit an updated application package or renewal form, as prescribed by the Department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1770.130 Lost, Stolen, and Damaged Winning Tickets and other

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Discrepancies

- a) Except as otherwise provided in this Part, no ~~no~~ claim for a game prize with respect to any Lottery game shall be honored, and no prize shall be paid with respect to any such claim, unless the claim is accompanied by a valid winning ticket for the game and the prize. Each winning ticket must pass such validation and security tests as the Department may require to validate the ticket.
- b) Whenever a winning ticket is stolen, lost or destroyed after such ticket has been placed in the hands of a Lottery agent or the Department, the Department may provide for payment of the prize to the winner thereof, provided that the purported winner furnishes a valid claim receipt with attached computer-generated claim ticket, with respect to a claim filed with a Lottery agent, or the claim receipt only, with respect to a claim filed with a Department administrative or marketing office. For instant game prizes where there is no computer-generated claim ticket, a written statement from the agent, confirming that the winning ticket was received by such agent, may be required prior to payment authorization. In the event a claim has been entered into the computer system but the claimant is unable to produce a claim receipt or, where appropriate, claim ticket, no action will be taken with respect to the claim until the claim period for the game has expired. If the ticket and original claim form and claimant's copy of the claim form remain lost at the conclusion of the claim period for the game in question, within thirty calendar days from and after the final claim date, any claimant with respect to such a prize may request a hearing, as provided by the Hearing Rules of the Department (11 Ill. Adm. Code 1710), for purposes of proving-up the claim. If multiple claims are filed with respect to the same prize, such claims shall be heard in a consolidated hearing during which each claimant shall be permitted, in turn, to present evidence in support of his or her claim. No discovery of Department records relating to ticket procurement or ticket claims shall be allowed. At the conclusion of the offering of all proofs by all claimants for a prize, the Department shall offer such evidence as may be available from Department records that will tend to establish that agent location at which the actual winning ticket was sold, together with the ticket identification numbers, and the date and time of sale. The Department's motion for dismissal prior to offering of proofs, accompanied by Department's certification that no computer claim record exists with respect to a purported claim, shall constitute an absolute defense to any claim for a prize.

- c) Whenever a player submits a claim during the valid claim period for a game alleging that a properly purchased Illinois Lottery ticket was lost or stolen after being deposited in the U.S. Mail, if one year has elapsed since the date of the on-line drawing for which the ticket was purchased or the year has elapsed since the announced end of game for the instant game in question, and no prize has been paid to or claimed

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by another person, the Director may authorize payment of the associated prize to the claimant provided that the following conditions are met:

- 1) The claimant furnishes satisfactory evidence as to the date, time and location of the ticket purchase for on-line games; the game, location of purchase, and approximate date of purchase for instant tickets; or such other relevant information as could only be known by the original purchaser of the ticket;
- 2) The claimant establishes to the satisfaction of the Director that the claimant took reasonable steps with respect to the security of the ticket, actually deposited the ticket in the U.S. Mail properly addressed to the Illinois Lottery, and that the ticket was not lost or stolen due to the player's negligence or carelessness;
- 3) One and only one claimant meets the criteria outlined in subsections (c)(1) and (2) above; and
- 4) The prize claimed is not a Lotto game Grand Prize, Little Lotto game First Prize, or instant game prize in excess of \$5,000. Evidence regarding the date, time and place of purchase will not be considered satisfactory evidence of ticket purchase if such information has been generally released to the public by the Department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1770.190 Prize Payment, Claiming of Prizes and Transfers to Common School Fund

- a) The prize structure may vary with each game and will be established at the beginning of the game by the Director. The prize structure, odds of winning, the manner in which winners are determined, the claim period for the game and various procedural matters will be set forth in game rules and play instructions.
- b) A prize of less than \$600 may be claimed by submitting the winning Lottery ticket to a Lottery agent within 30 days of the date the game won, and may be paid by the Lottery agent directly from Lottery ticket sales funds on hand after the agent follows verification procedures which establish that the ticket is a winning ticket, examines the ticket for alteration, verifies that the prize claim period has not expired, and requests proof of age from the claimant if appropriate. However, when a winning ticket is presented for payment at an agent location after the expiration of any agent claim period established in game rules, the value of the winning ticket, if any, more, or the Department's verification procedures, as applicable, shall follow the claim procedures set forth in game rules. ~~Claims for all prizes as determined by the Department and issued by the Department and to the agent for sale shall be~~

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~~claimed--by presenting winning tickets to lottery sales agents within such agent claim periods as may be established by the Director in game rules for the various games. Agents shall pay such prizes directly from lottery ticket sales funds on hand, or when instructed by the Department by filing the winning tickets and claim forms with the Department--claims presented for payment at agent locations after the agent claim period established in game rules shall be presented to any Department office for payment. When a claim is presented to any agent for payment, the claimant shall present the ticket to the agent, complete the name and address portions on the reverse of the ticket and show identification. The agent, after following verification procedures which establish that the ticket is a winning ticket for the drawing date on the ticket and examining the ticket for authentication, shall pay the claimant or his or her authorized representative directly.~~

- c) Prizes of up to \$25,000, claimed by an individual or in the name and under the taxpayer identification number of a partnership or other artificial person, may be paid by Lottery regional or administrative offices, subject to established claim periods, procedures and validation tests. All claims for prizes of more than \$25,000, as well as claims for lesser prizes not paid by Lottery regional offices, administrative offices or by an agent pursuant to subsection (b) of this Section, must be paid centrally by the Department. Claimants may obtain claim forms from any lottery on-line ticket sales agent, any departmental regional office, or the Department's administrative offices in Chicago or Springfield, Illinois. When initiating a claim at any of the aforesaid locations offices, a claimant shall complete the name and address area on the reverse of the ticket, and present proof of identification and the winning ticket. The agent or Department employee, as applicable, will assist the claimant in filling out the claim form which will be signed by the agent or employee and by the claimant or his or her authorized representative. The claimant or authorized representative will receive a copy of the claim form as a receipt. The winning ticket and a copy of the claim form will be sent to the Department's central offices in Springfield, Illinois, for verification. When the ticket is verified as a winning ticket, the prize or first installment thereof in the case of installment awards will be mailed to the claimant. Prizes in the amount of \$1,000,000 or more may be claimed only at the Department's administrative offices in Springfield and Chicago, and absent extenuating circumstances, only by appointment so that appropriate Department personnel are available to assist in the claim process.
- d) Prizes of less than \$600 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, shall be claimed in the individual name of one of the partners or members of the group. Payment of any claim filed on behalf of such an individual group member shall be in the same manner as if filed on behalf of a single claimant.

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- e) Prizes of \$600 up to \$1,000,000 claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, may be claimed in the individual name of one of the partners or members of the group. Any claim filed on behalf of such an individual group member shall be filed in the same manner as if filed on behalf of a single claimant, but must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of all other persons entitled to a share of the prize. The Department will process a voucher payable to each individual listed on the form 5754, dividing the winnings equally, or as otherwise designated on the form 5754. The Department will then process payment vouchers to the office of the Comptroller for preparation of warrants and end of year income tax withholding documents. Claim and payment may be made in a partnership name only if the partnership furnishes a Federal Employer's identification Number (FEIN).
- f) ~~Prizes prize-payment warrants for prizes in the amount of \$1,000,000 or more claimed by multiple winners playing as partners or as a group, with common ownership of a winning ticket at the time of the prize drawing, must be claimed in a partnership or group name. Payment will be made out to a partnership as a single payee, or to each of the individual partners or group members, as requested in writing by the winners and provided that each individual's gross annual payment will equal or exceed \$5,000. Partnership claims shall include the name, address and (if one check is requested) Federal Employer's Identification Number of the partnership, the ticket and claim form must be signed by one of the general partners on behalf of the partnership, and the claim form must be accompanied by a form 5754 setting forth the names, addresses, social security numbers and prize shares of each partner. Prior to payment, the partnership must submit a written partnership agreement evidencing, at a minimum, that an oral agreement for group play existed prior to the purchase of the winning lottery ticket. The partnership agreement shall be subject to review by the Department's legal staff, and may not contain provisions contrary to law. Where separate checks have been requested, the partnership must additionally furnish payment instructions for each partner. Group claims shall include a group name and the address and Social Security Number of the representative signing the ticket and claim form, and be accompanied by a form 5754 setting forth the names, addresses, Social Security Numbers and prize shares of all group members. A group play agreement may additionally be required. Claims by other entities such as corporations or trusts must be in the name of the entity as established prior to ticket purchase, provide the taxpayer identification number of the entity and be signed by an authorized representative. Payment will be in the name and under the taxpayer identification number of the claiming entity. Upon approval the Department will then process separate vouchers for payment of the proportionate share due each of the several claimants.~~

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g) Lottery clubs, charitable organizations, corporations, partnerships and other "artificial" persons shall be eligible to purchase lottery tickets. However, with respect to awards of prizes for life, such "artificial" persons shall be entitled to the minimum guaranteed prize.

h) Except as provided herein, for the game commonly known as "Lotto" the Department and the State Treasurer will invest sufficient funds to purchase federal securities equal to the Grand Prize amount, less 1/20th of that amount to be paid in cash at the time of the prize claim (the balance of the prize to be paid in nineteen annual installments). The Grand Prize will be divided by the number of Grand Prize winners to determine the prize amount per winner. If the number of Grand Prize winners is greater than the number of millions of dollars in the advertised Grand Prize, the cash available will be divided by the number of winners and paid in a single lump sum. The amount of lower tier prizes will be determined by dividing each of the prize pools by the number of winners for each respective prize level, and rounding each prize payment down to the nearest fifty cents, unless otherwise provided in game rules.

1) Payment of prize installments shall be made with respect to a prize due a winner whose death occurs after the payment of the final installment may be accelerated. Any prize, or portion thereof, remaining unpaid at the death of a winner, may be paid to the estate of such deceased prize winner, or to the designated trustee under a revocable living trust established by the deceased prize winner, as settlor, provided that a copy of such trust has been filed with the Department, along with a notarized letter of direction from the settlor, and no written notice of revocation has been received by the Department prior to the settlor's death. Following such a settlor's death and prior to any payment to such a successor trustee, the Director shall obtain from the trustee and each trust beneficiary a written agreement to indemnify and hold the Department harmless with respect to any claims that may be asserted against the Department arising from payment to, or through the trust.

2) The payment of prize installments due with respect to a prize winner whose death occurs prior to payment of the final installment may be accelerated. At the election of the estate or successor trustee, the estate or trustee may have the option to request, within six months from the date of death, that the annuity or equivalent investment securities procured by the Department for purposes of generating annual installment prize payments be liquidated at current market value and paid over to the personal representative of the estate or beneficiary successor trustee, as appropriate. Upon receipt of notice of election to liquidate the remaining prize, if the prize payment has been structured through purchase of an annuity and the annuity contract permits early liquidation, the Department shall

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promptly notify the annuity company and request that the annuity be liquidated and the commuted (check) value be paid to the personal representative or successor trustee. If the Department has procured investment securities to generate income for satisfaction of future prize installments, the Department, as soon as practicable after such notification, and without jeopardy to the common investment position of securities purchased in connection with payment of future installments to other winners of Grand Prizes from the same drawing date as decedent, shall offer such securities for market sale and shall pay the personal representative or successor trustee the proceeds of sales attributable to decedent's prize. Prior to such distribution, the Department shall deduct from the proceeds of sales such sum as may be required to absorb from the share of the party requesting liquidation, any penalties or losses incidental to sale, and to restore the investment position of securities purchased with respect to any other same-date winners to the position held prior to liquidation. The balance of the proceeds of sale attributable to decedent's prize shall be distributed. Prior to authorizing accelerated liquidation of any prize, the Department shall obtain from each personal representative or successor trustee requesting such liquidation a complete release of any further liability of the Department for further payment with respect to the decedent's prize upon liquidation as provided herein, and the Department in liquidating the investment vehicle for any such prize shall be discharged of any further liability with respect to such prize beyond the amount actually realized through liquidation. Any election pursuant to this subsection must be in writing and shall be irrevocable.

i) Cash prizes must be claimed within a claim period set by Departmental directive and the game rules establishing claim periods for the respective games offered by the Department. Unclaimed prize money shall be retained by the Director for the person entitled thereto, for the claim period after the date of the drawing in which the prize is won, as established by game rule. Thereafter, said unclaimed prize funds will be managed as provided in statute.

j) Winning tickets which provide entry into a Preliminary Grand Prize drawing for any instant game must be filed with the Department by the deadline established in the game rules. Entry tickets filed after the Preliminary Grand Prize qualification drawing for the game with respect to which the tickets were sold will be entered into the preliminary Grand Prize Drawing pool for the next game drawing subsequent to filing of such tickets, provided that no such ticket will be eligible for entry into a subsequent drawing unless filed with the Department, within 120 days if the announced end of the game in which the ticket was originally sold, provided, however, that the Director may establish lesser claim periods for specific games or directive and game rule.

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k) For prizes in excess of \$10,000, a winner must identify his or her place of employment, if any, to ensure the winner is not prohibited from lottery play by the Act or these rules. For partnership claims, each partner must furnish employment information.

- 1) The net revenues accruing from the sale of lottery tickets shall be determined by deducting from total revenues the payments of prizes to holders of winning tickets and payment of costs incurred in the operation and administration of the Department. The Department may transfer income in excess of current operating needs to the Common School Fund.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 1770.220 Priority of Rules

Official rules for any and all Illinois Lottery games or promotions shall be kept on file at the Department's central office in Springfield, Illinois and shall be available for public inspection and copying during normal business hours (Section 7.1 of the Act). In the event of any conflict, discrepancy, omission or apparent contradiction between the official rules on file and any summary, representation or other restatement of rules appearing in any advertisement, point of sale material, tickets or other media, the official rules on file at the Department's central office shall govern.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises

- 2) Code Citation: 32 Ill. Ad. Code 501

- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
501.10	New Section
501.20	New Section
501.30	New Section
501.40	New Section
501.50	New Section
501.60	New Section
501.70	New Section
501.80	New Section
501.90	New Section
- APPENDIX A

- 4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act (420 ILCS 5/4).

- 5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to repeal its current rules entitled Plan for the Compensation of Local Governments under Provisions of the "Illinois Nuclear Safety Preparedness Act", 32 Ill. Adm. Code 501, and replace it with this new rule. Over the years, this program has changed. In its start-up phase, most of the program monies went to the purchase of equipment and establishment of community programs. Today, the program deals primarily with funding of recurring program costs (personnel services, phone bills, etc.) with a relatively small dollar amount going to equipment and program set-up. In the near future, program requests are expected to increase both in number and size as communities seek to upgrade outdated computer and communications equipment. The Department is also considering development and support of centralized training and statewide networking as well as the on-going initiatives to purchase protection equipment (as mandated by FEMA standards). All of these factors will have a significant impact of the scale and complexity of the program.

This new Part will: (1) establish the policies and procedures necessary to compensate local governments, through a block grant process, for costs associated with implementation of Section 4 of the Illinois Nuclear Safety Preparedness Act; (2) provide a better foundation and guidance on planning issues and equipment needs of local governments by allowing for the streamlining of the documentation process; (3) reduce administrative overhead for local governments by eliminating the application and claim submittal process; and (4) set up an auditing and grant fund recovery procedure for verification of expenses incurred by local governments.

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NOTICE OF PROPOSED RULES

6) Will this proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Valerie A. Puccini

State Attorney

Department of Nuclear Safety

1035 Outer Park Drive

Springfield, Illinois 62704

(217) 785-2880 (voice)

(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The Department believes that these rules impose no direct impact on any small business, small municipalities and not for profit corporations.

8) Reporting, bookkeeping or other procedures required for compliance: Local governments will need to retain a copy of their annual audit for review and inspection by the Department.

C) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the January 1996 regulatory agenda was published.

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NOTICE OF PROPOSED RULES

The full text of the Proposed Rules is identical to the emergency rulemaking which begins on page 8343.

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Plan for the Compensation of Local Governments under Provisions of the "Illinois Nuclear Safety Preparedness Act"

2) Code Citation: 32 Ill. Adm. Code 501

Section Number:	Proposed Action:
501.10	Repealed
501.20	Repealed
501.30	Repealed
501.40	Repealed
501.50	Repealed

4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act (420 ILCS 5/4).

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to repeal its current rules entitled Plan for the Compensation of Local Governments under Provisions of the "Illinois Nuclear Safety Preparedness Act", 32 Ill. Adm. Code 501, and replace it with a new rule which is published elsewhere in this edition of the Illinois Register. The Department is taking this action to streamline the procedures that local governments must follow to receive compensation for their participation in the emergency planning and response activities conducted by the Department pursuant to the provisions of the Illinois Nuclear Safety Preparedness Act.

6) Will this proposed repealer replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? Yes. The rule that is being repealed does contain incorporations by reference.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The repeal of this Part is not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues. Requirements imposed by proposed new Part 501 are considered in conjunction with that rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED REPEALER

Valerie A. Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This repealer will not have an economic impact on small municipalities, not for profit corporations or small businesses that are licensed by the Department.

B) Reporting, bookkeeping or other procedures required for compliance: This repealer will rescind reporting requirements currently codified at 32 Ill. Adm. Code 501. Reporting requirements contained in proposed new Part 501 are considered in conjunction with that rulemaking.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This repealer was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED REPEALER

TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER C: NUCLEAR FACILITY SAFETY

PART 501

PLAN FOR THE COMPENSATION OF LOCAL GOVERNMENTS UNDER
PROVISIONS OF THE "ILLINOIS NUCLEAR SAFETY PREPAREDNESS ACT" (REPEALED)

Section	Purpose and Objectives
501.10	Definitions
501.20	Definitions
501.30	Policies
501.40	Procedures
501.50	Standards for the Determination of Necessary Activities and Authorized Expenses

AUTHORITY: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].

SOURCE: Emergency rule at 5 Ill. Reg. 14862, effective November 22, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 5877, effective April 23, 1983; codified at 8 Ill. Reg. 1599; amended at 9 Ill. Reg. 2283, effective January 30, 1985; amended at 14 Ill. Reg. 16923, effective October 2, 1990; repealed at 20 Ill. Reg. _____, effective _____.

Section 501.10 Purpose and Objectives

The purpose of this Part is to establish the policies and procedures necessary to compensate local governments for authorized expenses incurred in implementation of the Illinois Nuclear Safety Preparedness Act (the Act), (Ill. Rev. Stat., ch. 111 1/2, par. 4301 et seq.) on or after July 1, 1982. The policies and procedures contained in this Part are intended to further the following objectives:

- to promptly compensate local governments for authorized expenses incurred in implementation of the Act;
- to reduce the encumbrance of public funds obligated by local governments in implementation of the Act by establishment of a voluntary grant system of compensation; hereby grant monies are paid to the local government in advance of actual expenditures;
- to provide guidance to local governments and departmental staff in determining necessary activities and expenses payable pursuant to the Act;
- to establish a fair and equitable system of claims review;
- to establish a uniform method of submission, documentation and authentication of claims.

Section 501.20 Definitions

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED REPEALER

"Authorized Expenses" means the actual expenditures of public funds by a local government attributable to implementation of the Act as determined necessary by the Director, Department of Nuclear Safety (Department).

"Director" means the Director of the Department of Nuclear Safety or his designee.

"Drill" means the test or trial of a particular emergency preparedness system, function or operation, such as communications.

"Employee" means an individual actually paid wages or allowances by a local government for work performed on a full-time, part-time or intermittent basis.

"Exercise" means the testing of emergency response plans for nuclear facilities, including, but not limited to, the biennial testing and evaluation of off-site radiological emergency response plans and preparedness in support of nuclear generating stations, as required by the U.S. Nuclear Regulatory Commission, 10 CFR 50, Appendix E, current as of January 1, 1990, exclusive of subsequent amendments or editions.

"Local Government" means a political subdivision below the State Government level, such as a county, municipality, township, village or district, with authority to expend public funds.

(Source: Amended at 14 Ill. Reg. 16923, effective October 2, 1990)

Section 501.30 Policies

- The Director shall review all claims for compensation submitted by local governments in accordance with this Part. To the extent that the General Assembly has made appropriations therefor, the Director shall compensate local governments for expenses relating to activities determined to be necessary. Necessary activities shall include, but not be limited to, the activities specified in Section 501.50(b). The Department shall compensate local governments from fees collected pursuant to Section 4 of the Act, except that such compensation, in the aggregate, shall not exceed \$250,000 in any year.
- The Division of Planning and Analysis (DPA), Office of Nuclear Facility Safety, shall be responsible for implementation of this Part and shall be the point of contact for local governments relative to the provisions contained herein.
- This Part shall be reviewed by the Department annually to determine its effectiveness in accomplishing stated objectives. Local governments eligible for compensation under this Part are invited to submit their comments and suggestions at any time. Noted deficiencies will be promptly corrected and improved methods and procedures

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incorporated to enhance program administration.

- d) All grants made under this Part providing for payment of funds in advance of anticipated expenditures shall be made in accordance with a grant agreement to be executed by both the Director of the Department and the head of the local government to whom the grant is awarded.

(Source: Amended at 14 Ill. Reg. 16923, effective October 2, 1990)

Section 501.40 Procedures

- a) Procedure for compensating local governments by reimbursement:

1) In order to be eligible for reimbursement of expenses incurred by local government, the head of the local government shall provide to the Department the name, title, business address and phone number of the person designated to authenticate claims for reimbursement submitted on behalf of the local government and to act as the point of contact for questions arising therefrom. This information shall be submitted, on the prescribed form furnished by the Department, to the Illinois Department of Nuclear Safety, Attention: Division of Planning and Analysis, 1035 Outer Park, Drive, Springfield, Illinois 62704.

2) Claims are to be submitted to the Department, Attention: Division of Planning and Analysis, 1035 Outer Park Drive, Springfield, Illinois 62704 on the prescribed forms furnished by the Department. Forms may be obtained from the Division of Planning and Analysis or reproduced locally at the option of the user. An initial supply will be furnished with distribution of this Part. Claims may be consolidated for each expense category, i.e. personnel services, individual travel, equipment use, etc., by the local government or, if more convenient, decentralized by operating elements under jurisdiction of the local government entity, e.g., Police Department, Fire Department, Public Works Department, etc. Either method requires the attachment of a cover and summary sheet authenticated by the official designated by the local government head.

3) The Division of Planning and Analysis shall review claims for completeness, accuracy, conformance with the requirements of this Part. The Division of Planning and Analysis shall attempt to resolve any questions surfacing from this review by communicating with the point of contact designated by the head of the local government. Upon completion of this review, the Division of Planning and Analysis will forward the claim along with its recommendations to the Director.

4) Claims approved in their entirety by the Director will be immediately processed for payment through the Fiscal Services Division and the Division of Planning and Analysis shall be advised accordingly.

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5) Claims with unresolved questions remaining after review of the Director, will be forwarded to a departmental official, appointed by the Director, for further investigation of the expected expenses. Upon completion of the inquiry, the claims will be returned to the Director with the findings and recommendations of the investigating official. After final review by the Director, claims with exceptions will be processed for payment of those expenses determined to be appropriate and consistent with law. The Director shall advise the claimant, in writing, of any exceptions, and the basis for the exceptions and a copy of the Director's decision shall be furnished to the Division of Planning and Analysis.

6) Local governments shall submit claims for compensation covering authorized expenses as soon as practicable following the actual expenditure of public funds. In any event, claims for expenses incurred on or before June 30 of any State fiscal year must be received by the Department within 60 days following the close of the State fiscal year to which they pertain to ensure timely review and processing.

- b) Procedure for grants awarding funds in advance of expenditures:

1) Participating local governments shall, by March 1st of each year, submit a grant application to the Department for the purpose of receiving compensation in advance of anticipated expenditures for the ensuing State fiscal year. The application shall contain a description of the purpose for which the grant is being sought, the proposed term of the grant and an annual spend plan covering the estimated expenses of the participating local government. The annual spend plan shall be submitted on a form provided by the Department. The grant application shall also include the name, title, business address and phone number of the person designated to authenticate documents submitted on behalf of the local government and to act as point of contact for questions arising under the grant. The application shall be signed by the head of the local government.

2) After receipt of the application, the Division of Planning and Analysis shall review the application to determine whether award of the grant would further the purposes expressed in Section 4 of the Act. No later than June 1st of each year, the Division of Planning and Analysis shall make recommendations to the Director regarding action to be taken on the applications. The recommendations regarding award of grants shall be based on the purposes specified in the Act, the standards specified in Section 501.50 and on availability of funds.

3) After review of recommendations made by the Division of Planning and Analysis, the Director shall execute a grant agreement with each local government to whom a grant is awarded. The grant agreement shall specify the parties to the grant, the term of the grant, the amount of the grant, method of payment of grant

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monies, permissible uses of grant monies, that documentation of expenditures be submitted to the Department, that unspent grant monies shall be returned to the State as required by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat., Ch. 127, par. 2304), that the Department may audit records to verify that grant monies were used for permissible uses under the grant, and that the grant agreement shall cease if funds for the grant are not appropriated by the General Assembly, and any other standard provisions required by the comptroller to be included in contracts entered into by the State.

- 4) Upon execution of the grant agreement, the Department shall allocate funds to a grant account established for the participating local government in an amount equal to the grant award. On July 1st of each year, or as soon thereafter as is practicable, the Department shall disburse to the local government an amount equal to the approved grant expenses that are anticipated to be incurred during the first fiscal quarter. On October 1st, or as soon thereafter as is practicable, the Department shall disburse to the local government an amount equal to the approved grant expenses that are anticipated to be incurred during the second fiscal quarter. On January 1st, or as soon thereafter as is practicable, the Department shall disburse to the local government an amount equal to the approved grant expenses anticipated to be incurred during the third quarter less any amount previously disbursed. For 1st quarter expenses for which documentation has not been submitted to the Department and approved by the Department in accordance with subsection (b)(5). On April 1st, or as soon thereafter as is practicable, the Department shall disburse to the local government an amount equal to the approved grant expenses anticipated to be incurred during the fourth quarter less any amounts previously disbursed for 1st and 2nd quarter expenses for which documentation has not been submitted to the Department and approved by the Department in accordance with subsection (b)(5).

AGENCY NOTE: It is the Department's intent that grant funds will be disbursed in the first day of each quarter. However, such disbursement might be delayed for reasons beyond the Department's control, e.g., failure of the General Assembly to make appropriations before July 1st, failure of a local government to submit a complete grant application by March 1st.

- 5) Participating local governments shall submit documentation of expenditures under the grant. Such documentation shall be in the forms provided by the Department and shall be submitted no later than 20 days following the close of the state fiscal quarter in which the expenditure of public funds was made. Within 30 days of receiving the documentation, the Department shall notify the local government, in writing, whether the documentation has been approved or disapproved. The Department shall also notify the

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local government, in writing, whether the future disbursements of the grant award are subject to adjustment under subsection (b)(4), and if so, what the adjusted disbursement will be.

(Source: Amended at 14 Ill. Reg. 16923, effective October 2, 1990)

Section 501.50 Standards for the Determination of Necessary Activities and Authorized Expenses

- a) The following standards are used by the Department in determining necessary activities and authorized expenses, payable under the provisions of this Part. These standards are designed to achieve equality among known prospective claimants while taking into account the limitations imposed by the availability of appropriated funds.

b) Necessary Activities:

- 1) Response planning, preparation, radiological training and drills.
- 2) Participation in the exercising of transportation and fixed facility nuclear response plans.
- 3) Internal post exercise critique and corrective action.

c) Authorized Expenses:

- 1) Personnel Services
 - A) Wages, plus fringe benefits, actually paid to local governmental employees for participation in necessary activities as described in subsection (b).
 - B) Compensation shall be based on hourly rates for the number of hours of actual participation in necessary activities as described in subsection (b).
 - C) Compensation for "matching funds" type employees shall be limited to wages actually paid from the local government's share of total funds contributed.

2) Individual Travel

- A) Travel allowances actually paid to local government employees for travel performed in connection with their participation in necessary activities as described in subsection (b).
- B) Compensation for transportation, lodging, and per diem or meal expenses shall not exceed the rate in the State of Illinois Travel Regulations, 60 Ill. Adm. Code 1000, in effect at the time the expenditure was incurred, unless a local government ordinance, rule or regulation applicable to all employees of the local government specifies a higher rate.

3) Equipment Use

- A) Costs actually paid, incurred or obligated for local government owned or leased equipment used during or in connection with a necessary activity as specified in subsection (b).
- B) Compensation for equipment use shall not exceed the rates

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indicated in the following table without complete documentation:

Type Equipment	Rate	Optional Rate
Automobile	\$0.30 per mile	\$3.20 per hour of actual operation
Bus	\$0.60 per mile	\$8.80 per hour of actual operation
Emergency Vehicle (ambulance, fire truck, rescue vehicle)	Base rate, fee or service charge customary to the area of operation.	None

C) Expenses for use of motorized equipment not listed in the table above shall be fully documented. Such documentation shall include the date of use, type of equipment, entity that used the equipment, miles or hours that the equipment was used, and cost per mile or hour for equipment use.

4) Miscellaneous Expenses

- A) Emergency Operation Center (EOC) Telecommunications
- i) Installation, service and maintenance charges for those telecommunication lines, circuits and equipment used exclusively for exercising nuclear emergency response plans.
 - ii) Telecommunication lines or circuit usage charges relating exclusively to the exercising of nuclear emergency response plans.
- B) EOC Operational Materials: costs of maps, charts, plexiglass, status boards and similar materials relating exclusively to the exercising of nuclear emergency response plans.

5) Other Expenses

- A) Claims for expenses not specifically covered herein, shall be reviewed on a case by case basis to determine whether they relate, in whole or in part, to necessary activities as specified in subsection (b).
- B) Request for compensation of such expenses shall be accompanied by documentation of the amount of funds to be expended as well as a statement identifying the relationship of the expense to the activities listed in subsection (b). Prior to incurring such expenses, the local government shall submit the request for compensation to the Illinois Department of Nuclear Safety, Attention, Division of

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Planning and Analysis, 1035 Outer Park Drive, Springfield, Illinois 62704.

(Source: Amended at 14 Ill. Reg. 16923, effective October 2, 1990)

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- 1) Heading of the Part: Rules of Practice and Procedure in Administrative Hearings

- 2) Code Citation: 77 Ill. Adm. Code 100

- 3) Section Numbers: Proposed Action:

100.1 Amendment
100.2 Amendment
100.3 Amendment
100.4 Amendment
100.6 Amendment
100.7 Amendment
100.8 Amendment
100.10 Amendment
100.12 Renumbered
100.13 Renumbered
100.14 Renumbered
100.17 Amendment
100.19 Amendment

- 4) Statutory Authority: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act (5 ILCS 100/5-10(a)(1)) and Sections 55 through 55.63 of the Civil Administrative Code of Illinois (2 ILCS 231/55 through 55.63).

- 5) A Complete Description of the Subjects and Issues Involved:

These rules govern the conduct of administrative proceedings and hearings conducted before the Department of Public Health save for the exceptions specified in Section 100.1. The existing rules set forth procedural and substantive rights relating to the conduct of formal administrative proceedings. The proposed amendments will remedy some inconsistencies and inefficiencies in prehearing discovery as well as clarifying the rights and obligations of all parties to administrative actions.

The revisions to Section 100.3 are made to clarify terminology as to the designation by name of "parties" to administrative proceedings in order to obtain consistency with terminology in the Nursing Home Care Act and the Illinois WIC Vendor Management Act.

Changes made in Section 100.4 are for the purpose of making the Department's rules consistent with Illinois laws regarding the practice of law.

The amendments to Section 100.6 of the rules are for the purpose of making the rules more consistent with the Nursing Home Care Act and the Code of Administrative Code. The amendments are made as a result of a change made in the hearing of complainant cases made as a result of a CONSENT DECREE entered in the matter of PROTECTION AND ADVOCACY v.

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LUMPKIN.

Amendment of Section 100.7 is sought to eliminate a requirement for ANSWERS to pleadings in cases where this has proved to be of little benefit to the Department and has been burdensome to Respondents. The changes relating to venue (Section 100.7(g)) are made in response to requests made by advocacy groups on behalf of elderly and handicapped individuals.

Changes to Section 100.10 are for the purpose of avoiding the re-opening of old proceedings. Sections 100.12, 100.13 and 100.14 are being renumbered.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes
- 9) Are there any Other Proposed Amendments Pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or increase expenditures by units of local governments.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Gail M. Devito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

These rules may have an impact on small businesses. Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such in their comments.

- 12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Non-Profit Organizations Affected: The proposed amendments affect individuals licensed as plumbers, water well contractors, water well contractors operators, asbestos workers, pesticide applicators, WIC vendors and other similarly situated individuals who are licensed by the Department to perform certain occupations or authorized to participate

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in various State and federal programs.

B) Reporting, bookkeeping or other Procedures Required for Compliance:
None

C) Types of Professional Skills Necessary for Compliance: In some cases, licensed attorneys will need to represent parties such as corporations.

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The proposed amendments will remedy some inconsistencies and inefficiencies in prehearing discovery in the existing rules as well as clarifying the rights and obligations of all parties to administrative actions. These deficiencies were identified after the Department's last regulatory agenda was filed for publication.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER a: GENERAL RULES

PART 100

RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

Section	Authority - Applicability of these Rules
100.1	Definitions
100.2	Parties to Hearings
100.3	Appearance - Right to Counsel
100.4	Emergency Action
100.5	Hearings Requested by Complainants
100.6	Initiation of a Contested Case
100.7	Motions
100.8	Form of Papers
100.9	Service
100.10	Prehearing Conferences
100.11	Discovery Hearings
100.12	Hearings Subpoenas
100.13	Subpoenas Scope-of-Discovery
100.14	Administrative Law Judge's Report and Recommendations
100.15	Proposal for Decision
100.16	Final Orders
100.17	Records of Proceedings
100.18	Miscellaneous

AUTHORITY: Implementing and authorized by Section 5-10(a)(1) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(1)] and Sections 55 through 55.63 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 through 55.63].

SOURCE: Adopted at 2 Ill. Reg. 38, p. 91, effective September 23, 1978; amended and codified at 4 Ill. Reg. 43, p. 127, effective October 14, 1980; amended at 5 Ill. Reg. 14167, effective December 9, 1981; amended at 6 Ill. Reg. 2235, effective February 2, 1982; amended at 11 Ill. Reg. 1937, effective January 9, 1987; amended at 18 Ill. Reg. 5980, effective April 1, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 100.1 Authority - Applicability of these Rules

- This Part of practice and procedure for administrative hearings is promulgated pursuant to Section 5-10(a)(1) of the Illinois Administrative Procedure Act (IAPA) [Ill. Rev. Stat. 1991-92:1277 par. 1995-1996:1277] [5 ILCS 100/5-10(a)(1)].
- This Part shall govern all contested cases in the Department of Public Health, State of Illinois, except as noted in subsections (d) and (e)

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of this Section. Where a licensing statute prescribes certain procedures or requirements for licensure hearings, those procedures or requirements will be followed as though they were set forth in these rules. In the event there is a conflict between the licensing statute and this Part, the licensing statute shall prevail.

c) This Part shall also apply to contested cases resulting from the Department's administration of any program on behalf of the United States government. In the event there is a conflict between federal regulations and these rules, federal regulations shall prevail.

d) This Part shall not govern the various informal administrative procedures established by the Department to resolve licensing issues or conflicts prior to initiating any action requiring a formal hearing.

e) This Part shall not govern contested cases conducted pursuant to 77 Ill. Adm. Code 130-135-05-2-Practice and Procedure in Administrative Hearings--Held pursuant to Sections 2-11047 and 3-410 of the Nursing Home Care Reform Act--96-1997 and 77 Ill. Adm. Code 1180 (Practice and Procedure in Administrative Hearings) (Health Facilities Planning Board).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.2 Definitions

"Administrative Law Judge" shall mean any attorney licensed to practice law in Illinois, appointed by the Director to preside at an administrative hearing. For the purpose of hearings conducted pursuant to Sections 2-100(d) and 3-410 of the NHCA, the Department's Regional Health Officer in the region in which the facility is located shall act as Administrative Law Judge.

"Contested case" shall have the meaning ascribed to it in Section 1-30 of the IAPA.

"Department" shall mean the Department of Public Health, State of Illinois.

"Director" shall mean the Director or the designee of the Director of the Department of Public Health, State of Illinois.

"Hearing Officer" shall mean administrative law judge.

"IAPA" shall mean the Illinois Administrative Procedure Act (1981, 1983, 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007, 2009, 2011, 2013, 2015, 2017, 2019, 2021, 2023, 2025, 2027, 2029, 2031, 2033, 2035, 2037, 2039, 2041, 2043, 2045, 2047, 2049, 2051, 2053, 2055, 2057, 2059, 2061, 2063, 2065, 2067, 2069, 2071, 2073, 2075, 2077, 2079, 2081, 2083, 2085, 2087, 2089, 2091, 2093, 2095, 2097, 2099, 2101, 2103, 2105, 2107, 2109, 2111, 2113, 2115, 2117, 2119, 2121, 2123, 2125, 2127, 2129, 2131, 2133, 2135, 2137, 2139, 2141, 2143, 2145, 2147, 2149, 2151, 2153, 2155, 2157, 2159, 2161, 2163, 2165, 2167, 2169, 2171, 2173, 2175, 2177, 2179, 2181, 2183, 2185, 2187, 2189, 2191, 2193, 2195, 2197, 2199, 2201, 2203, 2205, 2207, 2209, 2211, 2213, 2215, 2217, 2219, 2221, 2223, 2225, 2227, 2229, 2231, 2233, 2235, 2237, 2239, 2241, 2243, 2245, 2247, 2249, 2251, 2253, 2255, 2257, 2259, 2261, 2263, 2265, 2267, 2269, 2271, 2273, 2275, 2277, 2279, 2281, 2283, 2285, 2287, 2289, 2291, 2293, 2295, 2297, 2299, 2301, 2303, 2305, 2307, 2309, 2311, 2313, 2315, 2317, 2319, 2321, 2323, 2325, 2327, 2329, 2331, 2333, 2335, 2337, 2339, 2341, 2343, 2345, 2347, 2349, 2351, 2353, 2355, 2357, 2359, 2361, 2363, 2365, 2367, 2369, 2371, 2373, 2375, 2377, 2379, 2381, 2383, 2385, 2387, 2389, 2391, 2393, 2395, 2397, 2399, 2401, 2403, 2405, 2407, 2409, 2411, 2413, 2415, 2417, 2419, 2421, 2423, 2425, 2427, 2429, 2431, 2433, 2435, 2437, 2439, 2441, 2443, 2445, 2447, 2449, 2451, 2453, 2455, 2457, 2459, 2461, 2463, 2465, 2467, 2469, 2471, 2473, 2475, 2477, 2479, 2481, 2483, 2485, 2487, 2489, 2491, 2493, 2495, 2497, 2499, 2501, 2503, 2505, 2507, 2509, 2511, 2513, 2515, 2517, 2519, 2521, 2523, 2525, 2527, 2529, 2531, 2533, 2535, 2537, 2539, 2541, 2543, 2545, 2547, 2549, 2551, 2553, 2555, 2557, 2559, 2561, 2563, 2565, 2567, 2569, 2571, 2573, 2575, 2577, 2579, 2581, 2583, 2585, 2587, 2589, 2591, 2593, 2595, 2597, 2599, 2601, 2603, 2605, 2607, 2609, 2611, 2613, 2615, 2617, 2619, 2621, 2623, 2625, 2627, 2629, 2631, 2633, 2635, 2637, 2639, 2641, 2643, 2645, 2647, 2649, 2651, 2653, 2655, 2657, 2659, 2661, 2663, 2665, 2667, 2669, 2671, 2673, 2675, 2677, 2679, 2681, 2683, 2685, 2687, 2689, 2691, 2693, 2695, 2697, 2699, 2701, 2703, 2705, 2707, 2709, 2711, 2713, 2715, 2717, 2719, 2721, 2723, 2725, 2727, 2729, 2731, 2733, 2735, 2737, 2739, 2741, 2743, 2745, 2747, 2749, 2751, 2753, 2755, 2757, 2759, 2761, 2763, 2765, 2767, 2769, 2771, 2773, 2775, 2777, 2779, 2781, 2783, 2785, 2787, 2789, 2791, 2793, 2795, 2797, 2799, 2801, 2803, 2805, 2807, 2809, 2811, 2813, 2815, 2817, 2819, 2821, 2823, 2825, 2827, 2829, 2831, 2833, 2835, 2837, 2839, 2841, 2843, 2845, 2847, 2849, 2851, 2853, 2855, 2857, 2859, 2861, 2863, 2865, 2867, 2869, 2871, 2873, 2875, 2877, 2879, 2881, 2883, 2885, 2887, 2889, 2891, 2893, 2895, 2897, 2899, 2901, 2903, 2905, 2907, 2909, 2911, 2913, 2915, 2917, 2919, 2921, 2923, 2925, 2927, 2929, 2931, 2933, 2935, 2937, 2939, 2941, 2943, 2945, 2947, 2949, 2951, 2953, 2955, 2957, 2959, 2961, 2963, 2965, 2967, 2969, 2971, 2973, 2975, 2977, 2979, 2981, 2983, 2985, 2987, 2989, 2991, 2993, 2995, 2997, 2999, 3001, 3003, 3005, 3007, 3009, 3011, 3013, 3015, 3017, 3019, 3021, 3023, 3025, 3027, 3029, 3031, 3033, 3035, 3037, 3039, 3041, 3043, 3045, 3047, 3049, 3051, 3053, 3055, 3057, 3059, 3061, 3063, 3065, 3067, 3069, 3071, 3073, 3075, 3077, 3079, 3081, 3083, 3085, 3087, 3089, 3091, 3093, 3095, 3097, 3099, 3101, 3103, 3105, 3107, 3109, 3111, 3113, 3115, 3117, 3119, 3121, 3123, 3125, 3127, 3129, 3131, 3133, 3135, 3137, 3139, 3141, 3143, 3145, 3147, 3149, 3151, 3153, 3155, 3157, 3159, 3161, 3163, 3165, 3167, 3169, 3171, 3173, 3175, 3177, 3179, 3181, 3183, 3185, 3187, 3189, 3191, 3193, 3195, 3197, 3199, 3201, 3203, 3205, 3207, 3209, 3211, 3213, 3215, 3217, 3219, 3221, 3223, 3225, 3227, 3229, 3231, 3233, 3235, 3237, 3239, 3241, 3243, 3245, 3247, 3249, 3251, 3253, 3255, 3257, 3259, 3261, 3263, 3265, 3267, 3269, 3271, 3273, 3275, 3277, 3279, 3281, 3283, 3285, 3287, 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3621, 3623, 3625, 3627, 3629, 3631, 3633, 3635, 3637, 3639, 3641, 3643, 3645, 3647, 3649, 3651, 3653, 3655, 3657, 3659, 3661, 3663, 3665, 3667, 3669, 3671, 3673, 3675, 3677, 3679, 3681, 3683, 3685, 3687, 3689, 3691, 3693, 3695, 3697, 3699, 3701, 3703, 3705, 3707, 3709, 3711, 3713, 3715, 3717, 3719, 3721, 3723, 3725, 3727, 3729, 3731, 3733, 3735, 3737, 3739, 3741, 3743, 3745, 3747, 3749, 3751, 3753, 3755, 3757, 3759, 3761, 3763, 3765, 3767, 3769, 3771, 3773, 3775, 3777, 3779, 3781, 3783, 3785, 3787, 3789, 3791, 3793, 3795, 3797, 3799, 3801, 3803, 3805, 3807, 3809, 3811, 3813, 3815, 3817, 3819, 3821, 3823, 3825, 3827, 3829, 3831, 3833, 3835, 3837, 3839, 3841, 3843, 3845, 3847, 3849, 3851, 3853, 3855, 3857, 3859, 3861, 3863, 3865, 3867, 3869, 3871, 3873, 3875, 3877, 3879, 3881, 3883, 3885, 3887, 3889, 3891, 3893, 3895, 3897, 3899, 3901, 3903, 3905, 3907, 3909, 3911, 3913, 3915, 3917, 3919, 3921, 3923, 3925, 3927, 3929, 3931, 3933, 3935, 3937, 3939, 3941, 3943, 3945, 3947, 3949, 3951, 3953, 3955, 3957, 3959, 3961, 3963, 3965, 3967, 3969, 3971, 3973, 3975, 3977, 3979, 3981, 3983, 3985, 3987, 3989, 3991, 3993, 3995, 3997, 3999, 4001, 4003, 4005, 4007, 4009, 4011, 4013, 4015, 4017, 4019, 4021, 4023, 4025, 4027, 4029, 4031, 4033, 4035, 4037, 4039, 4041, 4043, 4045, 4047, 4049, 4051, 4053, 4055, 4057, 4059, 4061, 4063, 4065, 4067, 4069, 4071, 4073, 4075, 4077, 4079, 4081, 4083, 4085, 4087, 4089, 4091, 4093, 4095, 4097, 4099, 4101, 4103, 4105, 4107, 4109, 4111, 4113, 4115, 4117, 4119, 4121, 4123, 4125, 4127, 4129, 4131, 4133, 4135, 4137, 4139, 4141, 4143, 4145, 4147, 4149, 4151, 4153, 4155, 4157, 4159, 4161, 4163, 4165, 4167, 4169, 4171, 4173, 4175, 4177, 4179, 4181, 4183, 4185, 4187, 4189, 4191, 4193, 4195, 4197, 4199, 4201, 4203, 4205, 4207, 4209, 4211, 4213, 4215, 4217, 4219, 4221, 4223, 4225, 4227, 4229, 4231, 4233, 4235, 4237, 4239, 4241, 4243, 4245, 4247, 4249, 4251, 4253, 4255, 4257, 4259, 4261, 4263, 4265, 4267, 4269, 4271, 4273, 4275, 4277, 4279, 4281, 4283, 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- b) A Respondent is a person against whom a complaint or petition is filed or to whom a notice of an opportunity for hearing is directed.
c) This Section does not apply to those administrative hearings conducted pursuant to Section 100.6 of this Part.
d) If a Respondent requests a hearing pursuant to the NHCA, the Complainant pursuant to Section 3-702(g) of that Act may participate as a party.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.4 Appearance-Right to Counsel

- a) Any party to a proceeding may appear and be represented by an attorney authorized to practice law in the State of Illinois. Any individual party may waive this right and either represent himself or herself. For hearings conducted pursuant to Section 100.6 of this Part, or pursuant to Sections 2-100(d) and 3-410 of the NHCA, a Complainant, visitor or resident shall have the option of being represented by a non-attorney of his or her choosing, or be represented by someone else of his or her choosing, which representative may or may not be an attorney authorized to practice law in the State of Illinois. A corporation, partnership or association shall appear and be represented only by an attorney authorized to practice law in the State of Illinois. Proceedings for the purposes of this Section shall begin with the filing of the Answer pursuant to Section 100.7(f). A shareholder, corporate officer, employee, or member of the board of directors may not appear or represent a corporation or association unless that individual is authorized to practice law in the State of Illinois.

- b) Only persons admitted by the Supreme Court of this State to practice as attorneys and counselors at law shall represent parties in proceedings before this Department, except where an individual party chooses otherwise. All persons appearing in proceedings before the Department, including a Complainant's, visitor's or resident's non-attorney representative, shall conform to the standards of ethical conduct required of attorneys before the courts of Illinois. If any person does not conform to such standards, the administrative law judge may decline to permit such person to appear in any proceeding. However, a party is being represented by a non-attorney representative said representative will be held to the same standards as though he or she were an attorney.

- c) Any attorney or other person appearing before the Department as a representative of a Complainant, visitor or resident any party shall file an Appearance containing: the name of the party represented; the name, address and telephone number of the attorney or representative; an affirmative statement that the attorney is or is not duly licensed in the State of Illinois; and the written signature of the attorney or

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- representative.
d) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.
e) An attorney may withdraw his or her appearance and/or representation only upon motion and appropriate ruling by the administrative law judge. However, attorneys may be substituted without motion upon notice to all parties and the administrative law judge if the substitution will not delay the proceedings, a statement to that effect is contained in the notice, and a substitute Appearance form is filed concurrently with the Notice.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.6 Hearings Requested by Complainants

Pursuant to Section 3-702(g) of the NHCA, a complainant who is dissatisfied with the determination or investigation by the Department of his or her complaint may request a hearing. (Section 3-702(g) of the NHCA)

- a) The parties to administrative hearing pursuant to this Section are the Department and the Complainant and the Facility. The Facility shall be given notice of any such hearing and may participate in the hearing as a third party (Section 3-702(g) of the NHCA). A request to participate as a third party must be filed in accordance with Section 100.3(b)(5) of this Part.

- b) For the purposes of this Section, a Complainant is an individual who has filed a complaint pursuant to the NHCA. If the individual filing the complaint indicates that she or he is acting as the agent of an organization or another individual, and so requests, said organization or other individual will be the Complainant for the purposes of this Section. In that case, the individual who acted as agent for the organization or other individual will be a "referring agent". Unless objected to by the Complainant, the referring agent shall be entitled to receive Notice of Complaint Determination and any request for hearing made pursuant to this Part.

- c) In accordance with Sections 3-703 through 3-712 of the NHCA, the Director shall designate an administrative law judge to conduct hearings requested by dissatisfied Complainants. All hearings shall be conducted pursuant to the provisions of this Part.

- d) Dissatisfied Complainants pursuant to this Section shall have the opportunity to contest the Department's determination as to whether the complaint was valid, invalid, or undetermined and also the Department's determination as to whether to issue any violation as a result of said determination. Whenever "determination" is used in this Section, it shall include any investigation resulting in said determination.

- e) Dissatisfied Complainants pursuant to this Section do not have the opportunity to contest any other determinations or decisions of the

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Department.

Find Nothing contained herein shall be deemed to entitle a dissatisfied Complainant to additional hearings or to a rehearing of a case which has already been the subject of a formal administrative hearing or a Final Order.

et In accordance with Sections 3-703 through 3-712 of the NHCA, the Director shall designate an administrative law judge to conduct hearings requested by dissatisfied complainants. The facility shall be given notice of any such hearing and may participate in such hearing as a party. (Section 3-702(g) of the NHCA)

et For the purposes of this Section, a complainant is an individual who has filed a complaint pursuant to the NHCA, if the individual filing the complaint indicates that one of the following is the agent of an organization or another individual and so requests said organization or other individual will be the complainant for the purposes of this Section. In that case, the individual who acted as agent for the organization or the individual will be a dissenting agent. Unless objected to by the complainant, the dissenting agent shall be entitled to receive notice of a complaint, determination, and any request for hearing made pursuant to this Part.

g) Complainants pursuant to this Section shall carry the burden to prove, by a preponderance of the evidence, that the aforesaid determinations of the Department were improper.

h) At the conclusion of the hearing, the administrative law judge shall prepare a report in accordance with Section 100.15, and make a recommendation to the Director specifying whether the complaint should be reinvestigated and/or any invalid or undetermined finding should be changed to a valid finding or the Department should reconsider the failure to cite a facility with any violation.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.7 Initiation of a Contested Case

a) In contested cases, except those held pursuant to Section 100.6, the Department shall serve on the Respondent a Notice of Opportunity for an Administrative Hearing which shall contain:

- 1) a statement of the nature of the action;
- 2) a statement of the legal authority and jurisdiction under which the action is being initiated;
- 3) a reference to the particular Sections of the statutes and rules involved;

4) allegations of noncompliance;

5) a statement of the procedure for requesting an administrative hearing (Section 10-25 of the IAPA), including a date by which the request must be received by the Department, which must be set at least ten days after the Notice is mailed or personally

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served;

6) Unless the case is brought pursuant to Title XVIII or XIX of the Social Security Act, the NHCA or the WIC Vendor Management Act, a statement setting forth the requirement of an Answer, pursuant to subsection (d) of this Section; and

7) except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file or reference number. (Section 10-25 of the IAPA)

b) A person who receives a Notice of an Opportunity for an Administrative Hearing must submit a written request for a hearing to the Department. The request is to be sent to the Department at the address stated in the Notice and must be received by the date set forth in the Notice. Failure to comply with this Section shall constitute a waiver of the person's right to an administrative hearing.

c) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Hearing or Prehearing Conference. The notice of hearing or prehearing conference shall contain:

- 1) a statement of the nature of the hearing;
- 2) a statement of the time and place that the hearing or prehearing conference will be held;
- 3) a statement of the legal authority and jurisdiction under which the hearing is to be held; and
- 4) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice of the hearing, unless otherwise confidential by law. (Section 10-25 of the IAPA) 7-and

5) a statement setting forth the requirement of an Answer pursuant to subsection (d) of this Section. (Section 10-25 of the IAPA)

d) Unless the case is brought pursuant to Title XVIII or XIX of the Social Security Act, the NHCA or the WIC Vendor Management Act, a written Answer to the Allegations of Noncompliance shall be filed by a Respondent. The Answer must be served on all parties within 20 days after receipt of the notice alleging noncompliance. If a Respondent fails to file an Answer, each alleged violation of a statute or Department rule by the Respondent shall be deemed to have been admitted. If the Respondent has sufficient knowledge of the facts to form a belief as to the truth of the allegations, the Respondent may so state with an affidavit of sufficient knowledge. If the Respondent wishes to raise defenses which are affirmative in nature or would be likely to negate the Department's surprise, the Respondent must do so in the Answer. If Affirmative Defenses are filed within an Answer, the Department shall reply to such Affirmative Defenses within 20 days after receipt of the Answer.

e) Amendments to the Allegations of Noncompliance and Answers may be allowed upon proper motion at any time during the pendency of the proceedings in such terms as shall be just and reasonable.

f) All written documents provided for under this Section shall be

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liberally construed with a view toward doing substantial justice between the parties.

- g) Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location only upon stipulation by all parties or upon a showing that age, infirmity or exceptional circumstances exist which make it desirable, in the interest of justice, to allow a change of venue.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.8 Motions

- a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure and Rules of the Illinois Supreme Court, and shall include a reference to the applicable Section of such Code or Rules. Motions based on a matter which does not appear of record shall be supported by affidavit.

- b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions:
Example: Respondent's Motion to Dismiss, Respondent's Second Motion to Dismiss.

- c) Motions to the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 100.7.

- d) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn an Order or Notice issued by the Director, but may make a recommendation to the Director any time that circumstances merit such a recommendation.

- e) Motions for a continuance shall be granted only for good cause shown. Motions for a continuance shall be in writing and filed at least five working days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed shall be contained in the motion. After one continuance has been granted to a party additional continuances may be granted to that party only if:

- 1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance, or

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- 2) there is an emergency, or
 3) all parties so stipulate.
 f) Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.

- g) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 business days by the filing of a written motion.

- h) Responses shall be in writing unless made at a prehearing conference or a hearing.

- i) On motion made by any party, the administrative law judge who is the subject of such motion shall determine whether he or she should be disqualified on the basis of bias or conflict of interest, and shall remove himself or herself if a determination is made that bias or a conflict of interest exists. If the motion is granted, the Director shall appoint a new administrative law judge. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest. (Section 10-30 of the IAPA)

- j) Demands for a Bill of Particulars shall not be allowed.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.10 Service

- a) Notices under Section 100.7(a) shall be served either personally or by certified mail upon all parties (including complainants under the NHCA, where applicable) or their agents appointed to receive service of process unless the applicable licensing statute requires a different form of service, in which case service shall conform to the statute.

- b) Service to the last official address of a party or agent provided to the Department by a party shall be considered in compliance with this Section. Notices sent by certified mail which have been returned to the Department as unclaimed or refused by the addressee shall be considered served.

- c) b) Service of pleadings or motions under this Section, unless otherwise provided for in this Section, shall be made by delivering in person or by depositing in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceedings. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon such party or parties. All pleading or motions under this Section shall also be served upon the administrative law judge.

- d) e) Proof of service under subsection (b) of this Section shall be by certificate of attorney, affidavit or acknowledgment.

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.12 Discovery Hearings

- a) Prior to or at the prehearing conference, the Department shall provide all parties with a copy of all the Department's inspection or investigative reports relating to the Allegations of Noncompliance. If no pre-hearing conference is held, the Department shall provide copies of the investigative reports prior to the hearing.
- b) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a copy of any document which it intends to offer into evidence. This subsection shall not require any party to again provide copies of those documents already provided by the Department under subsection (a) above.
- c) At least 21 days prior to the commencement of the hearing, each party shall provide all other parties with a list containing ~~Upon written request--served on the opposing party--any party shall be entitled to~~ the name and address of any witness who may be called to testify, and
- d) ~~a description of any other evidence which may be offered--~~
~~Within--fifteen--(15)--working--days--prior--to--the--commencement--of--a--hearing--each--party--shall--file--all--exhibits--which--it--intends--to--offer--into--evidence--at--the--hearing--Fifteen--(15)--days--prior--to--the--hearing--such--exhibits--shall--be--entered--~~
~~Absent--a--showing--of--cause--no--document--shall--be--offered--as--an--exhibit--in--any--hearing--which--was--not--disclosed--in--accordance--with--this--Section--or--pursuant--to--an--order--of--the--administrative--law--judge--and--no--witness--shall--testify--whose--name--was--not--included--on--a--witness--list--if--one--was--requested--~~
- d) All parties shall be entitled to any exculpatory evidence in the Department's possession which tends to support Respondent's position or which might impeach the credibility of a Department witness.
- e) Upon a written request by the Department ~~served on any party~~, at any time after a notice of hearing request is filed, or at any stage of the hearing, the Respondent shall be required to produce within 7 days documents, books, records, or other evidence which relate directly to conduct of the business entity or other ~~which is the~~ subject of the administrative hearing.
- f) All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.
- g) There shall be no depositions for discovery purposes or interrogatories allowed in any proceedings brought pursuant to this Part, except as agreed to by the parties.
- h) Requests to Admit Facts and Genuine-ness of Documents shall be allowed in accordance with Supreme Court Rule 216.

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i) Nothing contained herein shall preclude the parties from agreeing to the voluntary exchange of more information than is required.

(Source: Former Section 100.12 renumbered to Section 100.13; new Section 100.12 renumbered from Section 100.14 and amended at 20 Ill. Reg. _____, effective _____)

Section 100.13 Hearings Subpoenas

- a) All hearings conducted in any proceedings shall be open to the public.
- b) Hearings will be conducted by the Director or by an administrative law judge appointed by the Director. If the Director conducts the hearings, any reference in this Section to the administrative law judge shall be read to refer to the Director.
- c) The administrative law judge shall conduct hearings; administer oaths; issue subpoenas; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.
- d) The administrative law judge shall direct all parties to enter their appearances on the record.
- e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate.
- f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by motion.
- g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.
- h) The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Immaterial, irrelevant, or unduly repetitious material shall be excluded. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. Objections to evidentiary offers may be made and shall be noted in the record. (Section 10-40 of the IAPA)
- i) Official notice may be taken of matters of which circuit courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified

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either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence. (Section 10-40 of the IAPA)

1) A party may offer into evidence any of the following documents without foundation or other proof, provided that a copy of the document has been timely provided to all other parties in accordance with Section 100.12(b):

1) records and reports of health care facilities, doctors, nurses, physical therapists, or other health care providers; however, such records and reports shall not include affidavits or other documents specifically prepared for litigation.

2) investigation reports from government law enforcement agencies.

k) For good cause shown, evidentiary depositions shall be allowed.

l) Absent a showing of good cause, no document shall be offered into evidence which was not disclosed in accordance with the requirements in Section 100.12(b), and no witness shall testify whose name was not provided pursuant to Section 100.12(c).

m) The Department will arrange for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under these rules. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar per page. There shall be no audio or video taping apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing.

n) Corrections to the transcript of the record may be made by the Director or administrative law judge.

o) If a party, or any person at the instance of or in collusion with a party, violates any ruling of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:

1) that further proceedings be stayed until the order or rule is complied with;

2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;

3) that he or she be barred from maintaining any particular claim or defense relating to that issue;

4) that a witness be barred from testifying concerning that issue;

5) that, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that his or her pleading be dismissed

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without prejudice; or

6) that any portion of his or her pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.

m) The inspection or investigation case file of the Department shall be admitted. The preparer of the inspection or investigation case file may be subject to cross-examination upon notice to appear at the hearing.

n) In any hearing conducted pursuant to this Section, the administrative law judge shall receive a photograph as competent evidence of the item depicted in the photograph. It is not a prerequisite to appointment of this Section that the money or property photographed be unavailable.

p) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing.

q) At the request of any party, the administrative law judge may exclude all witness from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.

(Source: Former Section 100.13 renumbered to Section 100.14; new Section 100.13 renumbered from Section 100.12 and amended at 20 Ill. Reg. _____, effective _____)

Section 100.14 Subpoenas Scope of Discovery

a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda, may be issued by the Director or the administrative law judge upon his or her own motion or upon the written request of any party upon a showing of the relevancy of the request to the issues in the hearing. For good cause shown, the Director or the administrative law judge may deny or modify the request for subpoenas.

b) Subpoenas issued by the Director or the administrative law judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally or by certified mail at least seven days before the date on which appearance is required.

c) The witness fee for attendance and travel shall be the same as the fee of witnesses before the circuit courts of this State. When a witness is subpoenaed by the Director, or by the administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the agency.

d) The appearance at the hearing of a party or a person who at the time

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of the hearing is an officer, director, or employee of a party may be required by serving the party with a notice designating the person who is required to appear at least 7 days before the date on which appearance is required. ~~the notice also may require the production at hearing of documents or tangible things.~~

e) Subpoenas shall be enforced in the same manner as subpoenas issued by the circuit courts of this State.

(Source: Former Section 100.14 renumbered to Section 100.12; new Section 100.14 renumbered from Section 100.13 and amended at 20 Ill. Reg. _____, effective _____)

Section 100.17 Final Orders

- a) A written Final Order shall be issued in every contested case. A final order shall include findings of fact and conclusions of law, separately stated. All final orders shall specify whether they are final and subject to the Illinois Administrative Review Law with-Rev-Stat-1993-CH-119-Par-3-B-E-Seq-7 (735 ILCS 5, Art. III) and any applicable licensing statute. (Section 10-50 of the IAPA)
- b) A final orders shall be served on parties or their agents appointed to receive service of process either personally or by registered or certified mail. (Section 10-50 of the IAPA)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 100.19 Miscellaneous

- a) Ex parte consultation. Except in the disposition of matters that the Department is authorized by law to entertain or dispose of on an ex parte basis, the administrative law judge or Director shall not, after notice of hearing, communicate directly or indirectly, in connection with any other issue of fact, with any person or party, his or her representative, or any person interested in the outcome of the proceeding, except upon notice and opportunity for parties to participate. However, a Department member may communicate with other members of the Department or the administrative law judge may have the aid and advice of one or more personal assistants.

1) An ex parte communication received by the Director, any Department employee, or the administrative law judge shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.

- 2) Communications regarding matters of procedure and practice, such as the format of pleadings, number of copies required, manner of

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service, and status of proceedings, are not considered ex parte communications under this Section. (Section 10-60 of the IAPA)

b) Computation of Time. The time within which any act under this Section is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a holiday as defined or fixed by statute in force in this State, and then it shall also be excluded. If the day succeeding the last day is a Saturday, Sunday or a holiday as defined or fixed by statute in force in this State, that day shall also be excluded.

- c) Construction of Rules. In case of any conflict between this Part and the IAPA or a specific licensing statute, the terms of the latter shall control.

d) If the hearing is being conducted pursuant to federal law and there is a conflict between this Part and federal procedural or evidentiary requirements, then the federal requirements shall control.

eld Waiver. Compliance with any or all provisions concerning contested cases may be waived by written stipulation of all parties. (Section 10-70 of the IAPA)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: AIDS Drug Reimbursement Program

2) Code Citation: 77 Ill. Adm. Code 692

3) Section Numbers:
692.10
692.Appendix A

Proposed Action:
Amendment
Amendment

4) Statutory Authority: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff) and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

5) A Complete Description of the Subject and Issues Involved: This rulemaking changes the qualifying income level for participation in the AIDS Drug Reimbursement Program from 400% of the federal Poverty Level to 200% of the federal Poverty Level and adds a copayment. Currently approved clients will remain on the reimbursement program. The amendments also incorporate the 1996 federal Poverty Income Guidelines.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Gail M. DeVito
Division of Governmental Affairs
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: This rulemaking will not affect small businesses.

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NOTICE OF PROPOSED AMENDMENTS

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for this rulemaking had not been identified when the Department filed its most recent regulatory agenda.

The full text of the Proposed Amendments is identical to Emergency Amendments that appear in this issue of the Illinois Register on page 8355:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Distribution of Medical Student Scholarship Payback Funds

2) Code Citation: 77 Ill. Adm. Code 594

3) Section Numbers: Proposed Action:

594.40 Amendment
594.100 Repealer
594.110 Amendment
594.130 Repealer
594.140 Repealer
594.150 Repealer

4) Statutory Authority: Implementing and authorized by the Illinois Family Practice Residency Act (110 ILCS 935).

5) A Complete Description of the Subject and Issues Involved: The proposed amendments will clarify the actions of the Illinois Development Finance Authority and the Illinois Department of Public Health in the creation and management of a capital development fund.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments will not create or increase expenditures on units of local government.

11) Time, place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Gail M. Devitt,
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

These rules may have an impact on small businesses. Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such in their comments.

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12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: None

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: March 1996

The full text of the Proposed Amendments appears on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER G: GRANTS TO INCREASE ACCESS TO PRIMARY HEALTH CARE AND
SCHOLARSHIPS FOR HEALTH PROFESSIONAL STUDENTS

PART 594
DISTRIBUTION OF MEDICAL STUDENT SCHOLARSHIP PAYBACK FUNDS

SUBPART A: GENERAL PROVISIONS

Section

594.10 Applicability
594.20 Definitions
594.30 Incorporated or Referenced Materials
594.40 Administrative Hearings

SUBPART B: CAPITAL FUND DEVELOPMENT IN COOPERATION
WITH ILLINOIS DEVELOPMENT FINANCE AUTHORITY

Section

594.100 Availability of Funds (Repealed)
594.110 Responsibilities of the Illinois Development Finance Authority
594.120 Responsibilities of the Department and the Center for Rural Health
594.130 Eligibility to Receive Loans from the Capital Funds (Repealed)
594.140 Application for Loans (Repealed)
594.150 Selection of Loan Recipients (Repealed)

SUBPART C: SUPPORT FOR HEALTH PROFESSIONALS
EDUCATIONAL LOAN REPAYMENT GRANTS

Section

594.200 Availability of Funds
594.210 Limitations on Use of Loan Repayment Funds
594.220 Eligibility for Application
594.230 Selection Criteria for Distribution of Loan Repayment Funds
594.240 Terms of Performance

SUBPART D: GRANTS TO EXPAND ACCESS TO COMPREHENSIVE PRIMARY
HEALTH CARE IN MEDICALLY UNDERSERVED AREAS OF ILLINOIS

Section

594.300 Availability of Funds

SUBPART E: GRANTS TO SUPPORT PROJECTS WHICH WILL INCREASE THE
SUPPLY OF FAMILY PHYSICIANS FOR ILLINOIS' UNDERSERVED AREAS

Section

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

594.400 Eligibility for Grants
594.410 Limitations on Use of Grant Funds
594.420 Project Requirements
594.430 Application for Grants
594.440 Selection Criteria

AUTHORITY: Implementing and authorized by the Illinois Family Practice
Residency Act [110 ILCS 935].

SOURCE: Adopted at 19 Ill. Reg. 2955, effective March 1, 1995; amended at 20
Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 594.40 596-40 Administrative Hearings

All administrative hearings conducted by the Department concerning the
provisions of this Part shall be governed by the Department's Rules of Practice
and Procedure in Administrative Hearings (see 77 Ill. Adm. Code 100).

(Source: Amended at 20 Ill. Reg. _____, effective
_____.)

SUBPART B: CAPITAL FUND DEVELOPMENT IN COOPERATION WITH
ILLINOIS DEVELOPMENT FINANCE AUTHORITY

Section 594.100 Availability of Funds (Repealed)

~~From monies deposited into the Community Health Center Care Fund since January
1, 1997, a sum not to exceed \$300,000 will be transferred to the Authority
pursuant to Public Act 88-5557 effective January 26, 1994. The transfer will
be a one-time lump-sum payment.~~

(Source: Repealed at 20 Ill. Reg. _____, effective
_____.)

Section 594.110 Responsibilities of the Illinois Development Finance Authority

- a) The Authority will be responsible for management of the monies
transferred to it by the Department from the Fund. It will use the
transferred monies to establish bond reserve or credit enhancement
escrow accounts, loan program reserves, or other escrow accounts.
- b) The Authority will be responsible for completion of any actions and
reports as required by the Department and agreed to by the Authority
in an interagency agreement.
- c) ~~The Authority will be responsible for all loan monitoring and
collection of loan repayments from the community health centers which
have borrowed from the fund created.~~

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Family Practice Residency Code
2) Code Citation: 77 Ill. Adm. Code 590

Section Numbers:	Proposed Action:
590.20	Amendment
590.30	Amendment
590.220	Amendment
590.230	Amendment
590.240	Amendment
590. Appendix A	Repealer
590. Appendix B	Repealer
590. Appendix C	Repealer
590. Appendix D	Repealer

4) Statutory Authority: Implementing and authorized by the Illinois Family Practice Residency Act (110 ILCS 935/10)

5) A Complete Description of the Subject and Issues Involved: This rulemaking updates a reference to the American Medical Association's 'Socioeconomic Characteristics of Medical Practice', as cited in the definitions concerning full-time practice for physicians with active staff privileges and full-time practice for primary care physicians without active staff privileges and repeals four appendices illustrating standard contract language between the Department and medical students or graduates. The contracts will continue to be used and are simply being repealed as appendices to these rules. In addition the rulemaking provides exceptions to the full-time practice requirement which may be approved by the Department.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes
- 9) Are there any other Proposed Amendments Pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not require new or additional expenditures on the part of units of local government.
- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the Illinois Register to:

Gail M. DeVito

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(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 594.130 Eligibility to Receive Loans From the Capital Funds (Repealed)
~~Community health centers in Illinois are eligible to apply for loans from the Illinois Development Finance Authority managed capital fund.~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 594.140 Application for Loans (Repealed)

- a) ~~Applications for loans will be in a format determined by the Authority.~~
b) ~~Applications will be submitted to the Authority through the Center prior to the Authority's determination of the type of financing option it will pursue.~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

Section 594.150 Selection of Loan Recipients (Repealed)

~~Applications submitted to the Center will be reviewed by staff of the Center. The Authority and the Illinois Primary Health Care Association shall make selection decisions with the participation of the Authority.~~

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Division of Governmental Affairs
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 (217)782-6187

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: None. No small businesses are affected.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
 No

C) Types of Professional Skills Necessary for Compliance: No

13) Regulatory agenda on which this rulemaking was summarized: March 1996

The full text of the Proposed Amendments appears on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 590

FAMILY PRACTICE RESIDENCY CODE

SUBPART A: GENERAL PROVISIONS

Section	
590.10	Applicability
590.20	Definitions
590.30	Incorporated and Referenced Materials
590.40	Administrative Hearings

SUBPART B: GRANTS TO FAMILY PRACTICE RESIDENCY PROGRAMS

Section	
590.100	Eligibility for Grants
590.110	Limitations on Use of Grant Funds
590.120	Project Requirements
590.130	Application for Grants
590.140	Selection Criteria

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

Section	
590.200	Limitations on Use of Scholarship Funds
590.210	Eligibility for Application
590.220	Criteria for Selecting Scholarship Recipients
590.230	Terms of Performance
590.240	Scholarship Repayment

SUBPART D: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section	
590.300	Limitations on Use of Loan Repayment Funds
590.310	Eligibility for Application
590.320	Selection Criteria for Distribution of Loan Repayment Funds
590.330	Terms of Performance

SUBPART E: DESIGNATION OF SHORTAGE AREAS

Section	
590.400	Data Elements Used in Designation Process
590.410	Criteria for Designating Shortage Areas
590.420	Distribution of Lists of Designated Shortage Areas

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- APPENDIX A Sample Contract for Medical Student Scholarship (Student Contract) (Repealed)
APPENDIX B Sample Contract for Scholarship Service Obligation (Repealed)
APPENDIX C Sample Contract for Monetary Repayment of Scholarship Obligation (Repealed)
APPENDIX D Sample Contract for Educational Loan Repayment (Repealed)

AUTHORITY: Implementing and authorized by Family Practice Residency Act [110 ILCS 935].

SOURCE: Filed June 9, 1973; amended at 4 Ill. Reg. 38, p. 185, effective September 10, 1980; codified at 8 Ill. Reg. 4509; Part repealed, new Part adopted at 15 Ill. Reg. 1833, effective January 25, 1991; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 590.20 Definitions

"Accredited family practice residency" means a training program meeting the requirements of the Accreditation Council for Graduate Medical Education of the American Medical Association, or by the Committee on Postdoctoral Training of the American Osteopathic Association.

"Act" means the Family Practice Residency Act [110 ILCS 935] ~~Rev. Stat. 1997, ch. 147, par. 1-451 et seq.~~

"Committee" means the advisory committee for family practice residency programs created by the Act (Section 3.03 of the Act).

"Community Based Organization" means a locally organized and locally recognized group of individuals whose goals include efforts to maintain or increase the availability of primary health care in their community.

"Department" means the Illinois Department of Public Health (Section 3.01 of the Act).

"Designated private area" means an area designated by the director as a physician shortage area, a medically underserved area, or a critical health manpower shortage area as defined by the United States Department of Health, Education and Welfare, or as further defined by the Department to enable it to effectively fulfill the purpose stated in Section 2 of the Act. Such areas may include the following:

An urban or rural area which is a rational area for the delivery of health services;

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- A population group; or
A public or nonprofit private medical facility.
(Section 3.04 of the Act).

"Director" means the Director of the Illinois Department of Public Health (Section 3.02 of the Act).

"Family practice residency program" means a program accredited by the accreditation council for graduate medical education, or the committee on postdoctoral training of the American Osteopathic Association (Section 3.06 of the Act).

"Fellowship" means optional medical training, usually one year, completed after the residency training required for each of the primary care specialties.

"Full-time practice for physicians with active staff privileges" means maintaining office hours for patient care which equal or exceed the mean number of office hours per week reported by physicians, by specialty, and published in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1995 1989."

"Full-time practice for primary care physicians without active staff privileges" at a hospital means maintaining office hours or being employed for patient care an amount of time at least equal to the mean number of office hours per week reported by specialty family-practice physicians in the American Medical Association's "Socioeconomic Characteristics of Medical Practice, 1995 1989."

"Local health department" means a county, multi-county, municipal or district public health agency recognized by the Department.

"Matriculation fees" are those educational expenses charged all students by the various medical schools. Such fees are charged to offset the expenses incurred by the school in areas such as the application and enrollment processing, library use charges, mandatory health insurance, and student activity fees.

"Medical school" means any private or public nonprofit school in Illinois which provides education leading to a doctor of medicine or osteopathy degree, and which is approved by the Illinois Department of Professional Regulation, pursuant to the Medical Practice Act of 1987 [225 ILCS 60] ~~Rev. Stat. 1989, ch. 117, par. 1-159 et.~~

"Medical student" means a resident of Illinois studying medicine in a medical school located in Illinois (Section 3.07 of the Act).

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"Medically underserved population" means individuals who live in a designated shortage area or who, because of special health needs or low income, experience difficulty receiving health care.

"Obstetrical service" means that geographical area surrounding a hospital with an obstetrical unit and which is defined by an imaginary boundary determined by the shortest distance, either in time or miles, for a citizen or equivalent to travel to one hospital rather than another.

"Primary care physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 60] ~~§§117-Rev--Stat--1989; ch--117-par--409-1-et-seq~~ with a specialty in family practice, internal medicine, obstetrics and gynecology, or pediatrics as defined by recognized standards of professional medical practices (Section 3.05 of the Act).

"Rational service area" means the geographic area surrounding a physician's office, a hospital or a clinic, and from which the residents may be reasonably expected to seek health care from the physician, hospital or clinic located within the area.

"Residency matching process" means the National Resident Matching Program which coordinates the matching of medical students with the hospitals and residency training programs in the medical students' selected specialty. The matching application process usually lasts from June through September of one year, with match announcements made in March of the following year.

"Residency training" means the years of graduate medical education which follow medical school and which train the new physician in his or her chosen specialty (i.e., family practice, pediatrics, etc.).

"Rural" means any geographic area not located in a U.S. Bureau of the Census Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2,500 or less.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.30 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

- a) The following Illinois Statutes, Statutes and Illinois and federal regulations are referenced in this Part:

- 1) Family Practice Residency Act [110 ILCS 935] ~~§§117-Rev--Stat--~~

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~~1989; ch--117-par--1451-et-seq~~.

- 2) Medical Practice Act of 1987 [225 ILCS 60] ~~§§117-Rev--Stat--1989; ch--117-par--409-1-et-seq~~ (see See Section 590.20).

b) ~~Illinois and Federal Rules~~

- 3) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

4) 27 44 Ill. Adm. Code 750. App. A (see See Appendices).

5) 37 42 CFR 5 (see See Section 590.410(b)).

- b) The following guidelines are incorporated in this Part: ~~Other~~

~~Guidelines--~~

- 1) "Socioeconomic Characteristics of Medical Practice, 1995 1989," prepared by the American Medical Association's Center for Health Policy Research.

- 2) This incorporation ~~Att-incorporations~~ by reference ~~of standards of--nationality--recognized--certifications~~ refers ~~refer~~ to the document in publication ~~standards~~ on the date specified and does not include any additions or deletions subsequent to the date specified.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART C: MEDICAL STUDENT SCHOLARSHIPS

Section 590.220 Criteria for Selecting Scholarship Recipients

- a) Preference shall be given to those scholarship applicants who, in written narratives and personal interviews, can demonstrate the following:

- 1) Interest in pursuing one, or a combination of the medical specialties of family practice, internal medicine, pediatrics, or obstetrics/gynecology;

- 2) Previous experience with medically underserved populations;

- 3) Previous experience in the health care delivery system, with preference given to those whose experience has involved one of the primary care specialty areas;

- 4) Academic capabilities as reported by the applicant's medical school;

- 5) Financial need as reported by standard financial analysis documentation supplied by the applicant's medical school on the student's behalf;

- 6) Greater number of years of medical school remaining;

- 7) Stated interest in providing primary health care to Illinois citizens residing in designated shortage areas of Illinois;

- 8) Most number of years of residence in Illinois;

- 9) United States citizens, or those granted permanent residence in the United States by the Immigration and Naturalization Service.

- b) If applicants demonstrate equally all of the above characteristics,

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preference will be given to those interested in pursuing the specialty of family practice.

- c) Of all applicants, priority is given to those individuals who have previously received a Medical Student Scholarship, providing that:

- 1) Recipient requests, in a format determined by the Department, a continuation of scholarship funds ~~(See Appendix A)~~;
- 2) Recipient would not be repeating the same year of school for the second consecutive year because of poor academic performance;
- 3) Recipient has not voluntarily withdrawn from medical school;
- d) Selection criteria will be applied with advice and review by the Advisory Committee.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.230 Terms of Performance

- a) Each scholarship recipient shall sign a written contract ~~(See Appendix A)~~. The contract contains additional terms and conditions which ensure compliance with this part, the laws of the State of Illinois, and enforcement of the contract.
- b) Scholarship recipients who fail to complete medical school due to academic failure, as documented by recipient's school, shall be discharged from all obligations.
- c) Scholarship recipients who fail to complete medical school due to voluntary actions on their part shall repay to the Department all scholarship monies. Repayment shall be made in such a manner as agreed to by the recipient and the Department in the recipient's contract ~~(See Appendix A)~~.

- d) In the event the scholarship recipient is disabled or is otherwise unable for reasons beyond the recipient's control to perform the scholarship's obligations, these obligations shall be suspended until such time as the scholarship recipient is able to resume the scholarship obligations. Such suspension shall be requested in writing by the scholarship recipient. The Department's acceptance or denial of the suspension request will be provided in writing, under the Director's signature. The Department shall accept a request for a suspension when supported by a letter from the recipient's physician attesting to the recipient's inability (either temporarily or permanently) to continue either school or the practice of medicine) and the recipient's agreeing to not continue either his or her medical education (or the practice of medicine) in any state.

- e) Scholarship recipients who in their third year of medical school seek a residency training program in other than a primary care specialty shall have their scholarship funds for their final year of medical school suspended until such time as the residency matching process is complete.

- 1) If the recipient is notified by the National Resident Matching

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program, or directly by a residency not participating in the National Resident Matching Program, of acceptance into a non-primary care residency, no funds shall be provided for the final year of medical education, and all funds provided by the Department to the student shall be due in full, immediately.

- 2) If the recipient has requested a non-primary care residency but is matched to a primary care residency instead and agrees to the match, scholarship funds for the final year of medical education shall again be made available.

- f) Misrepresentation of the facts presented in the recipient's application shall be considered a breach of contract. The recipient's school shall be notified to halt further disbursements of scholarship funds and all funds provided by the Department to the student shall be due in full, immediately.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 590.240 Scholarship Repayment

- a) Upon the ~~initiation~~ licensure of the scholarship recipient to practice medicine, the recipient shall provide primary health care in a designated shortage area of Illinois. The term of this service shall be one year for each academic year he or she is a scholarship recipient. (Section 3.07 of the Act)
- b) Service as a primary care physician shall begin no later than 30 days after the licensure of the recipient to practice medicine.

- 1) Service ~~may~~ shall be deferred by the Department until recipient completes a primary-care residency; service shall begin no later than 30 days after completion.

- 2) If recipient leaves the residency program prior to completion, service shall begin within 30 days.

- c) Upon written approval of the Department, service shall be deferred until 30 days following completion of a fellowship in a primary care specialty.

- d) The recipient's internship, residency or other advanced clinical training does not qualify as service repayment of the scholarship obligation.

- e) The recipient shall submit to the Department a written request for approval of ~~written approval of the Department~~ for a proposed practice location ~~shall be requested and received by the Department~~.

- 1) Without such approval, time in practice at such a location shall not meet scholarship recipient's service obligation.

- 2) The scholarship recipient may request and receive approval for a practice location up to 18 months preceding the time practice at the location is to begin.

- 3) Approval for a practice location is granted for the duration of the scholarship recipient's service obligation.

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f) The scholarship recipient's practice shall meet the following requirements:

- 1) Be located in a designated shortage area(s) (see Subpart E);
- 2) Be a full-time, office-based practice providing direct patient care (see Subpart A, Section 590.20 for definition of full-time, by primary care specialty);
- 3) Be in one, or in a combination of the primary care specialties; and
- 4) Be providing continuous service at the rate of 12 months for each academic year of medical school supported by the scholarship.

g) Exceptions to the full-time practice requirement may be approved by the Department provided:

- 1) the need for reduced practice is because of family needs, or personal health limitations documented by a physician;
- 2) the reduced practice is no less than 50 percent of the time specified in Section 590.20;
- 3) no practice of medicine is allowed, except for practice in the designated area used to meet the scholarship obligation; and
- 4) forgiveness of the practice obligation is provided according to practice time provided.

h) Scholarship recipients may relocate to another practice location, or practice in more than one location if prior written approval is granted by the Department.

i) Scholarship recipients shall enter into a written contract (see Appendix-B) with the Department which describes terms of the service obligation and contains provisions for enforcement of the contract.

j) A practice located in an area with a population group designation (see 42 CFR 5) must meet criteria for health care facilities as described in Section 590.410(d).

k) Scholarship recipients who fail to provide service as required shall pay to the Department a sum of money equal to 3 times the amount of the average annual scholarship award of the recipient's for each year, or portion thereof, the recipient fails to fulfill the service obligation (Section 10 of the Act).

1) Payment shall be made in equal monthly installments in such amounts so all sums due shall be paid within a period of time equal to the recipient's service term, or remaining portion thereof, or as otherwise approved by the Department.

2) Recipient and Department shall enter into a written contract (see Appendix-E) which describes terms of the repayment and contains provisions for enforcement of the contract.

l) In the event a scholarship recipient fails to pay monies owed the Department, the Department may refer the matter to the Attorney General or to a collection agency.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 590. APPENDIX A Sample Contract for Medical Student Scholarship (Student Contract) (Repealed)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FAMILY PRACTICE RESIDENCY-SEP

SCHOLARSHIP-FOR-MEDICAL-STUDENTS

S-T-Y-B-N-T--O-N-T-R-A-E-T

The Illinois Department of Public Health (Department) and

hereby agree as follows:

1) The Department shall pay the sum of \$ to

Name of Medical School

on behalf of Student pursuant to the Family Practice Residency Act of 1997 (Act) for the purpose of providing medical education which is made a part of the medical education of the student.

2) All funds paid to Student shall be used for the purpose of providing medical education to the student and shall be repaid to the Department by Student in such amount as shall be determined by the Department.

3) If Student fails to complete medical studies for any reason other than under this contract,

4) If Student fails to complete medical studies for any reason other than academic failure, death or permanent disability, Student shall repay to the Department all funds paid pursuant to this contract. Repayment shall be made in equal monthly installments in such amount as shall be determined by the Department within a period of time equal to the period of time funds were paid. If Student leaves the Department, payments shall begin within 30 days after Student leaves medical school.

5) If Student dies or suffers total and permanent disability while pursuing studies under this contract, the student's estate or representative engaging in medical practice shall make good on the total amount of such disability benefits payable to any estate due on the death of such student.

6) Students receive term and begin within 30 days of Student's attendance to practice medicine with the Department. Payment shall be made until completion of an approved residency program in primary care. In all cases where service is deferred, service shall begin within 30 days after Student leaves residency program.

7) Student may request an emergency document because of temporary

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 590.APPENDIX B Sample Contract for Scholarship Service Obligation
(Repealed)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

FAMILY PRACTICE RESIDENT-AGE
SCHOLARSHIP FOR MEDICAL STUDENTS

S-E-R-V-I-C-E-O-N-T-R-A-C-T

For awards Made Before July 1996

She--Illinois--Department--Public--Health--Regist--Beet--met--and
1 Paragraph--Contract--agreed--by--Beet--met--and
Contract--agreed--by--Beet--met--and
with--Beet--met--and
in--Beet--met--and
approved--Beet--met--and
2 The--Contract--agreed--by--Beet--met--and
3 Contract--agreed--by--Beet--met--and
4 Contract--agreed--by--Beet--met--and
5 Contract--agreed--by--Beet--met--and
6 Contract--agreed--by--Beet--met--and

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 590. APPENDIX C Sample Contract for Monetary Repayment of Scholarship Obligation (Repealed)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

PAMBY-PACERED-RSBEREY-APR
SEORR-SHAP-REBRY-SPRNS

R-B-P-A-Y-W-B-T-E-O-N-R-A-Q-B

1+ Item of the contract between the State of Illinois and the State of Illinois, entered into on the 1st day of January, 1964, for the purpose of providing for the repayment of the scholarship obligation of the State of Illinois, is hereby amended as follows:

2+ The word "and" shall be inserted after the word "contract" in the first line of the first paragraph.

3+ The word "and" shall be inserted after the word "contract" in the second line of the first paragraph.

4+ The word "and" shall be inserted after the word "contract" in the third line of the first paragraph.

5+ The word "and" shall be inserted after the word "contract" in the fourth line of the first paragraph.

6+ The word "and" shall be inserted after the word "contract" in the fifth line of the first paragraph.

7+ The word "and" shall be inserted after the word "contract" in the sixth line of the first paragraph.

8+ The word "and" shall be inserted after the word "contract" in the seventh line of the first paragraph.

9+ The word "and" shall be inserted after the word "contract" in the eighth line of the first paragraph.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

18+ Contract shall inform the Department of Public Health of any change of address of any person who is a recipient of a scholarship provided by the State of Illinois.

19+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

20+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

21+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

22+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

23+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

24+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

25+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

26+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

27+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

28+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

29+ The State of Illinois shall be governed in all respects by the provisions of the State of Illinois.

Enacted at Springfield, Illinois, this 1st day of January, 1964.

Continued

Social Security Number: _____
(Source: Repealed at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 590. APPENDIX D Sample Contract for Education Loan Repayment (Repealed)

REBIOINS-DEPARTMENT-OF-PUBLIC-HEALTH

FAMILY-PRACTICE-RESIDENCY-ACT
EDUCATIONAL-LOAN-REPAYMENT

E-G-N-W-R-A-G-T

the---illinois---Department---of---Public---Health---(Department)---and
(Contractor) agree as follows:

1+ Contractor will provide patient care in the community...
2+ Contractor will provide patient care in the community...
3+ Contractor will provide patient care in the community...

4+ Contractor will provide patient care in the community...
5+ Contractor will provide patient care in the community...
6+ Contractor will provide patient care in the community...

7+ Contractor will provide patient care in the community...
8+ Contractor will provide patient care in the community...
9+ Contractor will provide patient care in the community...

10+ Contractor will provide patient care in the community...
11+ Contractor will provide patient care in the community...
12+ Contractor will provide patient care in the community...

13+ Contractor will provide patient care in the community...
14+ Contractor will provide patient care in the community...
15+ Contractor will provide patient care in the community...

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

Section 590. APPENDIX D Sample Contract for Education Loan Repayment (Repealed)

REBIOINS-DEPARTMENT-OF-PUBLIC-HEALTH

FAMILY-PRACTICE-RESIDENCY-ACT
EDUCATIONAL-LOAN-REPAYMENT

E-G-N-W-R-A-G-T

the---illinois---Department---of---Public---Health---(Department)---and
(Contractor) agree as follows:

1+ Contractor will provide patient care in the community...
2+ Contractor will provide patient care in the community...
3+ Contractor will provide patient care in the community...

4+ Contractor will provide patient care in the community...
5+ Contractor will provide patient care in the community...
6+ Contractor will provide patient care in the community...

7+ Contractor will provide patient care in the community...
8+ Contractor will provide patient care in the community...
9+ Contractor will provide patient care in the community...

10+ Contractor will provide patient care in the community...
11+ Contractor will provide patient care in the community...
12+ Contractor will provide patient care in the community...

13+ Contractor will provide patient care in the community...
14+ Contractor will provide patient care in the community...
15+ Contractor will provide patient care in the community...

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

24) Under penalties of perjury, I certify that the social security number shown below is my correct Federal Taxpayer Identification Number:

The term of this contract is _____ through _____
Executed this _____ day of _____, 19____

Contractor: _____ Director of Public Health

Social Security Number: _____

(Source: Repealed at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Non-Academic Programs and Policies
- 2) Code Citation: 89 Ill. Adm. Code 830
- 3) Section Numbers: 830.190
Proposed Action: New Section
- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].
- 5) A Complete Description of the Subjects and Issues Involved: The attached rulemaking was done in response to Illinois State Statute [105 ILCS 5/10-20] regarding the prohibition on the use of tobacco products on school property. This rule will prohibit tobacco use by all students, employees and the general public while on DORS' school property. This tobacco prohibition is inclusive to events before and after the normal school day.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this part? No
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Martner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896; TTY: (217) 785-3301

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.
- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: n/a
- B) Reporting, bookkeeping or other procedures required for compliance: n/a

- C) Types of professional skills necessary for compliance: n/a
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated, therefore was not placed on the January Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER f: EDUCATION FACILITIES

PART 830

NON-ACADEMIC PROGRAMS AND POLICIES

Section	
830.10	The Taking and Using of Students' Photographs
830.15	Locally Held Funds
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Use of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents/Guardians
830.140	Visits to Schools
830.150	Behavior Intervention
830.160	Profit on Sales from Commissary Stores
830.170	Receipts from Athletic, Musical and Other Events
830.180	Transportation Fund
830.190	Use of Tobacco Products on School Property

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 17 Ill. Reg. 6248, effective April 5, 1993; amended at 18 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. 15737, effective November 7, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 830.190 Use of Tobacco Products on School Property

Pursuant to Illinois statute [105 ILCS 5/10-20] the use of all tobacco products is prohibited on school property. For purposes of this Section tobacco products shall mean cigarette, cigar, or tobacco in any other form, including smokeless tobacco which is loose, cut, shredded, ground, powdered, compressed or leaf tobacco. The prohibition of the use of tobacco products is to include

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

school personnel, students, or other persons when on school property. No exception to this prohibition will be permitted, including all events or activities before or after the regular school day, and on days when school is not in session.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Public Use of DORS Facilities
- 2) Code Citation: 89 Ill. Adm. Code 546
- 3) Section Numbers: Proposed Action:
546.10 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3) and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).
- 5) A Complete Description of the Subjects and Issues Involved: The attached rulemaking was done in response to the Illinois State Statute (105 ILCS 5/10-20) regarding the prohibition on the use of tobacco products on school property. This revision will require individuals using a DORS facility to comply with applicable State laws regarding the use of tobacco products on school property.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3396; TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: n/a
- B) Reporting, bookkeeping or other procedures required for compliance: n/a
- C) Types of professional skills necessary for compliance: n/a

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated, therefore was not placed on the January Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
 SUBTITLE A: GENERAL PROGRAM PROVISIONS
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

PART 546
 PUBLIC USE OF DORS FACILITIES

Section
 546.10 Public Use of DORS Facilities

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 18 Ill. Reg. 10241, effective June 17, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 546.10 Public Use of DORS Facilities

a) DORS operated facilities may be used by persons, groups or organizations at the discretion of DORS and under the following conditions:

- 1) a request to use a facility should be submitted in writing to the Superintendent/Office Manager of that facility at least two weeks in advance of the requested date(s); the request must detail the intended use and specify the part or parts of the facility needed;
- 2) the activity and reservation time must be approved, in writing, by the school Superintendent/Office Manager or his/her designee;
- 3) groups and organizations must designate an adult who is responsible for the group or organization;
- 4) the requestor(s) shall adhere to guidelines and regulations of this Section established by DORS concerning conduct and activities while on the premises and agree that its activities will not interfere with normal operations of the DORS facility;
- 5) the requestor(s) must sign an agreement prior to utilizing the facility that indicates:
 - A) compliance with applicable State laws prohibiting the use of alcoholic beverages, tobacco products, illegal drugs, fireworks, explosives, guns, weapons and gambling on State property;
 - B) agreement to return the facility to the condition it was in prior to the group's use. If any cleanup expense is incurred by DORS, fees will be charged to the group or responsible person. The school Superintendent/Office Manager or his/her designee will determine if this requirement has been met by the person, group or organization; and

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- C) understanding that DORS will not provide security;
- 6) proposed use of the facility shall not conflict with the provision of any lease held by DORS; and
- 7) any requestor(s) using the facility must pay all activity expenses incurred directly and not through DORS.
- b) The requestor(s) shall indemnify and hold harmless DORS and the State of Illinois for any loss DORS or the State may sustain related to the use of the facility by the person, group or organization. The person, group or organization will be asked to demonstrate it has liability insurance that is adequate for the type of event it is conducting and be asked to name DORS as an additional insured on its insurance policy. The Superintendent/Office Manager shall determine the amount and type of insurance required based on the type of activity and number of people to be involved. Any questions regarding type and amount of coverage shall be referred to DORS Legal Division for final determination.
- c) Requestor(s) using a DORS' facility shall not damage, deface, destroy, remove or injure in any way the State property being used. All persons, organizations, and groups will be responsible for all costs, expenses, damages and liability resulting from such damage, defacement, destruction, removal or other injury to State property.
- d) DORS may contract with local election boards to allow use of its facilities as accessible polling places during local, State state, and national elections. These agreements will be entered into at the discretion of the Director if such use does not violate any local agreements and/or leases DORS may have for that property.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rules of Conduct
- 2) Code Citation: 89 Ill. Adm. Code 827
- 3) Section Numbers: 827.20
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 10, 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3f].
- 5) A Complete Description of the Subjects and Issues Involved: The attached rulemaking was done in response to Illinois State Statute [105 ILCS 5/10-20] regarding the prohibition on the use of tobacco products on school property. This revision will designate any tobacco use by students while on DORS' school property as an infraction that is subject to disciplinary action. This tobacco prohibition is inclusive to events before and after the normal school day.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:
- Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 13423
Springfield, IL 62794-9429
(217) 785-3896; TTY: (217) 785-9301
- If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.
- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

A) Types of small businesses, small municipalities and not for profit corporations affected: n/a

B) Reporting, bookkeeping or other procedures required for compliance: n/a

C) Types of professional skills necessary for compliance: n/a

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated, therefore was not placed on the January Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 827

RULES OF CONDUCT

Section	General Applicability
827.10	Infractions by Students
827.20	Disciplinary Actions
827.30	Appeals of Disciplinary Actions

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 6500, effective March 27, 1987; amended at 12 Ill. Reg. 14700, effective September 2, 1988; amended at 17 Ill. Reg. 6260, effective April 5, 1993; amended at 20 Ill. Reg. _____, effective _____.

Section 827.20 Infractions by Students

The following is the list of activities which the Department has identified as infractions, in a generally ascending order of seriousness:

- a) disturbing a class, a dormitory or other school activity; disrupting school activities by such unacceptable behavior as making noise, inappropriate physical activity or comments;
- b) tardiness: being late to a scheduled activity one is required to attend;
- c) littering: discarding trash or other materials on the floor, grounds or other inappropriate places;
- d) loitering: remaining in an area of the school, for no apparent reason, after being asked by staff to leave;
- e) inappropriate communication: using language or distributing material which is inappropriate for use with the group or individual to which it is addressed such as name calling, profanity, obscenity or derogatory statements;
- f) cheating/lying: being dishonest, untruthful or intentionally deceptive;
- g) insolence: being disrespectful in speech or action;
- h) forged note/excuse: using a note or an excuse which is false or has been modified to mislead a staff person or another student;
- i) smoking: ~~smoking or use of tobacco products on school property when or where smoking is prohibited or smoking by students under 19-unless with parental consent;~~
- j) improper bus conduct: improper conduct while riding the bus such as smoking, annoying others, refusing to obey the bus driver or other

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- staff, or endangering health or safety;
- k) cutting class: being absent from a class without authorization;
- l) off campus without permission: leaving campus without the approval of the appropriate staff or returning to campus later than the scheduled time;
- m) disrespect and insubordination: openly defying school staff, rules or authority;
- n) intimidation/threats to others: threatening someone with the intent to cause that person anxiety or to do or not to do something against his/her will;
- o) gambling: betting or taking part in a game of chance or skill for money or material gain;
- p) unlawful assembly: forming or participating in a group of three or more persons to cause violence, to do unlawful acts or to disturb others;
- q) fighting: engaging in a physical struggle or conflict between two or more individuals with the intent of causing pain or injury;
- r) vandalism: destroying or damaging public or private property in a willful manner. For the purpose of this rule, the term vandalism is limited to damage under \$150;
- s) stealing: taking someone else's property without that person's permission. For the purposes of this rule the term stealing is limited to up to \$150;
- t) trespassing: entering the land, property or the dormitory room of another person after receiving notice not to enter;
- u) false fire alarm: activating a fire alarm intentionally with knowledge there is not a fire or other reason to use the fire alarm system;
- v) criminal damage to property: destroying or damaging public or private property valued over \$150 in a willful manner;
- w) possession/use/transfer of drugs, alcohol, weapons, or other contraband (e.g., guns, knives, tire irons and clubs): having, using or providing to others illegal drugs, alcoholic beverages, devices designed to produce bodily harm or death, or other contraband (e.g., guns, knives, tire irons and clubs);
- x) extortion: obtaining money or other valuables from another person by force or coercion;
- y) bomb threat: telling someone, falsely, that a bomb exists, or stating the intent to obtain or use a bomb;
- z) assault/battery: inflicting physical pain or injury or beating another person in a violent manner;
- aa) molesting: indecent or unwanted sexual activity with another person (e.g., fondle, sexual assault);
- bb) possession/sale of stolen property: having or selling property belonging to another person or the State state without the consent of that person or the State state;
- cc) break-in or forced entry: breaking a lock, window, etc. or using force to get into a building, room, or vehicle;

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- dd) robbery: taking the property of another by force or threat of force;
- ee) arson: setting fires intentionally, when there is a probability they will cause property damage, bodily injury, or anxiety;
- ff) larceny: obtaining another person's property illegally. For the purpose of this Part larceny applies to property valued at \$150 or more;
- gg) other: action or conduct which is clearly inappropriate.
- (Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:
100.2330 Amendment
- 4) Statutory Authority: 35 ILCS 207 and 1401
- 5) A Complete Description of the Subjects and Issues Involved: Section 207 of the Illinois Income Tax Act allows corporations, trusts and estates, and partnerships to carryover and carryback net operating losses. This rulemaking sets forth the procedure for making an election to forgo the net operating loss carryback period. The rulemaking provides that the election shall be made on the taxpayer's return for the taxable year of the net operating loss and shall be made by the due date, including extensions of time, for filing the taxpayer's return for the taxable year of the net loss.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
100.9710	New Section	9/15/95, 19 Ill. Reg. 12966
100.9505	New Section	4/26/96, 20 Ill. Reg. 6004

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a state mandate, nor does it affect any existing state mandate.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith Staats
Associate Chief Counsel (Income Tax)
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-7055

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Any small business that sustains an Illinois net operating loss.
- B) Reporting, bookkeeping or other procedures required for compliance: No new procedures are required. This rulemaking merely clarifies the method for electing to forgo a net operating loss carryback.
- C) Types of professional skills necessary for compliance: None.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the 2 most recent agendas because: This rulemaking explains the procedure to be used by taxpayers when making an election to forgo the net operating loss carryback period.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
 CHAPTER I: DEPARTMENT OF REVENUE

PART 100
 INCOME TAX

SUBPART A: TAX IMPOSED

Section
 100.2000 Introduction
 100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
 100.2150 Training Expense Credit (IITA 201(j))
 100.2101 Replacement Tax Investment Credit (IITA 201(e))
 100.2110 Investment Credit; Enterprise Zone (IITA 201(f))
 100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
 100.2130 Investment Credit; High Impact Business (IITA 201(h))
 100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
 100.2160 Research and Development Credit (IITA 201(k))
 100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
 100.2180 Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
 OCCURRING PRIOR TO DECEMBER 31, 1986

Section
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APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 313, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 23, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 2701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 29, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 10 Ill. Reg. 635, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 331, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988;

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amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4588, effective March 8, 1990; amended at 14 Ill. Reg. 5810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON

OR AFTER DECEMBER 31, 1986

Section 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986

a) Years to which Illinois net losses may be carried. ITA Section 207 provides that a carryback or carryover deduction shall be allowed in the manner allowed under Section 172 of the Internal Revenue Code. The federal rules concerning the years to which a loss may be carried are contained in Section 172(b) of the Code and in Treas. Reg. Sec. 1.172-4(a)(1). These rules, as now in effect or hereafter amended, shall be followed for Illinois income tax purposes and shall apply to corporations, partnerships, trusts and estates. In general, an Illinois net loss shall be carried back to the three preceding taxable years and shall be carried over to the fifteen succeeding taxable years. Special provisions apply to regulated transportation companies, financial institutions, product liability losses and other entities or situations, and the provisions in the Internal Revenue Code and Treasury Regulations relating to the years to which a loss may be carried shall be followed.

b) Election to forgo ~~forego~~ carryback period.

1) Any taxpayer entitled to a net loss carryback may elect to relinquish the entire carryback period with respect to a net loss for any taxable year ending on or after December 31, 1986. Such election shall be made on the taxpayer's return for the taxable year of the net loss and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net loss. Such election, once made for any

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taxable year, shall be irrevocable for that taxable year. If such election is made on any return which is filed in accordance with Section 502(e) of the Illinois Income Tax Act, the election will be considered to be in effect for all eligible members of the return for the taxable year for which such election is made.

3) If the timely return for the taxable year reflects Illinois income and:

A) a finalized federal change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on an amended return or form prescribed by the Department within the 120 day time period prescribed by Section 506(b) of the Illinois Income Tax Act, or

B) an Illinois audit or other Illinois change eliminates Illinois income thereby creating an Illinois net loss for the year, the taxpayer may make the election to relinquish the entire carryback period for the Illinois net loss on forms prescribed by the Department at the time the loss is first reported to Illinois.

c) Portion of Illinois net loss which is a carryback or a carryover to the taxable year in issue. An Illinois net loss shall first be carried to the earliest of the several taxable years for which such loss is allowable and shall then be carried to the next earliest of such several taxable years, etc. The portion of the loss which shall be carried to any of such several taxable years subsequent to the earliest taxable year is the excess of such net loss over the sum of the aggregate of the net incomes for all of such several taxable years (without regard to Illinois net loss deductions for such years) preceding such subsequent taxable year. This is illustrated in the following Example.

EXAMPLE: A taxpayer that makes its return on the calendar year basis has an Illinois net loss for 1986. The entire net loss for 1986 may be carried back to 1983. The amount of the carryback to 1984 is the excess of the 1986 loss over the net income for 1983. The amount of the carryback to 1985 is the excess of the 1986 loss over the aggregate of the net incomes for 1983 and 1984. The amount of the carryover to 1987 is the excess of the 1986 loss over the aggregate of the net incomes for 1983, 1984, and 1985, etc.

d) Carryover of pre-12/31/86 loss and post-12/30/86 loss. Net operating losses incurred prior to December 31, 1986, can be carried over into years in which Illinois net losses (incurred on or after December 31, 1986) are also carried. In such cases, the former losses will be treated as an adjustment to taxable income (i.e., before apportionment) while the latter will be a deduction in computing Illinois net income (i.e., after apportionment). This is illustrated in the following Example.

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EXAMPLE: Corporation A is a calendar year taxpayer. It has no partnership income and no nonbusiness income. In 1985, it reported a federal net operating loss of \$1000, and on its Illinois return for 1986, it reported an Illinois net loss of \$50, neither of which could be carried back to prior years due to losses existing in those years. In 1987, A had federal taxable income (before special deductions) of \$200, and Illinois addition modifications of \$100. Corporation A would compute its Illinois net income in 1987 as follows: The \$1000 net operating loss ~~lose~~ from 1985 would offset the \$200 of 1987 federal taxable income and would offset the \$100 of 1987 Illinois addition modifications. In 1988, Corporation A would have remaining \$700 of net operating loss carryover from 1985 and \$50 ~~500-00~~ of Illinois net loss carryover from 1986.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Special County Retailers' Occupation Tax For Public Safety
- 2) Code Citation: 86 Ill. Adm. Code 670
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
670.101	New Section
670.105	New Section
670.110	New Section
670.115	New Section
670.120	New Section
670.125	New Section
670.130	New Section
- 4) Statutory Authority: 20 ILCS 2805/39b19
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 39-107, which creates the Special County Occupation Tax for Public Safety Law, which provides that the County Board of any county with a population in excess of 180,000 inhabitants may impose a tax upon persons engaged in the business of selling tangible personal property, other than personal property titled or registered, at retail in the county on the gross receipts from such sales to provide revenue to be used exclusively for public safety purposes in that county. It also contains provisions concerning the nature and rate of the tax, returns, etc.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson

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Springfield, Illinois 62794
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Counties with a population in excess of 180,000 inhabitants and retailers in those counties.
- B) Reporting, bookkeeping or other procedures required for compliance: Minimal
- C) Types of professional skills necessary for compliance: None

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was not included in either Regulatory Agenda because it was unanticipated at the time of the Regulatory Agenda.

The full text of the Proposed Rulemaking begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 670

SPECIAL COUNTY RETAILERS' OCCUPATION TAX FOR PUBLIC SAFETY

Section	Nature of the Special County Retailers' Occupation Tax For Public Safety
670.101	Safety
670.105	Registration and Returns
670.110	Claims to Recover Erroneously Paid Tax
670.115	Jurisdictional Questions
670.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
670.125	Penalties, Interest and Procedures
670.130	Effective Date

AUTHORITY: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 39b29 of the Civil Administrative Code of Illinois [20 ILCS 2505.39b29].

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____.

Section 670.101 Nature of the Special County Retailers' Occupation Tax For Public Safety

a) Authority to Impose Tax

The County Board of any county with a population in excess of 180,000 inhabitants, as determined by the most recent decennial census, is authorized by Section 5-1006.5 of the Counties Code [55 ILCS 5/5-1006.5] (the Code) to impose a tax on all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with this State's government, at retail in the county on the gross receipts from sales made in the course of such business to provide revenue to be used exclusively for public safety purposes in that county, if a proposition for the tax has been submitted to the electors of that county and approved by a majority of those voting on the question. If imposed, such tax shall only be imposed on the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics (Section 5-1006.5 of the Code). The tax imposed by a county under the

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Code and this Part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

b)

Passing on the Tax

The legal incidence of the Special County Retailers' Occupation Tax For Public Safety is on the seller. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the Special County Retailers' Occupation Tax For Public Safety Law to reimburse themselves for their sellers' Special County Retailers' Occupation Tax For Public Safety liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act (35 ILCS 105), pursuant to such bracket schedules as the Department has prescribed (see 86 Ill. Adm. Code 150.7 Table A).

c)

Exclusion from "Gross Receipts"

Any amount added to the selling price of tangible personal property by the seller because of a Special County Retailers' Occupation Tax For Public Safety, or because of the Illinois Retailers' Occupation Tax, or as Illinois Use Tax, and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such Special County Retailers' Occupation Tax For Public Safety.

Section 670.105 Registration and Returns

a) Separate Registration not Required

A retailer's registration under the Illinois Retailers' Occupation Tax Act [35 ILCS 120] is sufficient for the Special County Retailers' Occupation Tax For Public Safety Law. No special registration for the Special County Retailers' Occupation Tax For Public Safety is required.

b) Requirements as to Returns

1) The information required for the Special County Retailers' Occupation Tax For Public Safety shall be furnished on the retailer's Retailers' Occupation Tax return form.

2) If the retailer files his Illinois Retailers' Occupation Tax returns on the gross receipts basis, he must report Special County Retailers' Occupation Tax For Public Safety information in his returns on the same basis. If the retailer files his Illinois Retailers' Occupation Tax returns on the gross sales basis, he must report Special County Retailers' Occupation Tax For Public Safety information in his returns on the gross sales basis.

Section 670.110 Claims to Recover Erroneously Paid Tax

Claims for Multiple Taxes. If a claimant files a claim for refund on a transaction which was subject to State and local taxes administered by the

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Department, the claim need not be filed separately for each type of tax. A single claim for the total of all applicable taxes will suffice. The claim will be audited, heard, or otherwise processed as a single claim whenever possible. A single credit memorandum will be issued which may be used by the claimant or his authorized assignee to pay State or local tax liability.

Section 670.115 Jurisdictional Questions

a) County Defined

When used in this Part, "county" includes all territory located within the county, including all territory within cities, villages or incorporated towns, including an incorporated town which has superseded a civil township.

b) Mere Solicitation of Orders not Doing Business

1) For a seller to incur Special County Retailers' Occupation Tax For Public Safety liability in a given county, the sale must be made in the course of such seller's engaging in the retail business within such county. In other words, enough of the selling activity must occur within the county to justify concluding that the seller is engaged in business within the county with respect to that sale.

2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

c) Seller's Acceptance of Order

1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the county or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (g) and (h) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within the county or by someone working out of such place of business, the seller incurs Special County Retailers' Occupation Tax For Public Safety liability in that county if the sale is at retail and the purchaser receives the physical possession of the property in Illinois. The

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Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

- 2) If a purchase order is accepted outside this State, but the tangible personal property which is sold is in an inventory of the retailer located within a county at the time of its sale (or is subsequently produced in Illinois), then delivered in Illinois to the purchaser, the place where the property is located at the time of the sale (or subsequent production in Illinois) will determine where the seller is engaged in business for Special County Retailers' Occupation Tax For Public Safety purposes with respect to such sale.

- d) Some Considerations that are not Controlling

- 1) Delivery of the property within the county to the purchaser is not necessary for the seller to incur Special County Retailers' Occupation Tax For Public Safety liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercounty commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the county for the seller to be regarded as being engaged in the business of selling within such county with respect to that sale.

- 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs Special County Retailers' Occupation Tax For Public Safety liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the county" in the Special County Retailers' Occupation Tax For Public Safety law refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made. (See Standard Oil Company v. Department of Finance, et al., 383 Ill. 136 (1934), for a similar problem under the Illinois Retailers' Occupation Tax Act.)

- e) Place of Business Where Long Term or Blanket Contracts are Involved
Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for Special County Retailers' Occupation Tax For Public Safety purposes with respect to such orders.

- f) Sales Through Vending Machines

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The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

- g) Sales from Vehicles Carrying Uncommitted Stock of Goods

The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made - the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

- h) Sales of Coal or Other Minerals

For the purpose of determining the local governmental unit whose tax is applicable, a retail sale, by a producer of coal or other mineral mined in Illinois, is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth.

- 1) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company, for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

- 2) A mineral produced in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to carriers, other than common carriers by rail, for their own use outside Illinois if the purchasing carrier takes delivery of the property in Illinois and transports it over its own line to an out-of-State destination.

- 3) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the Special County Retailers' Occupation Tax For Public Safety on that sale will go to the county where the retailer is located.

Section 670.120 Incorporation of Retailers' Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130) which are not incompatible with the Special County Retailers' Occupation Tax For Public Safety law or any special Regulations that may be promulgated by the Department thereunder are incorporated herein by reference and made a part hereof.

Section 670.125 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and

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procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the Special County Retailers' Occupation Tax For Public Safety Law as under the Illinois Retailers' Occupation Tax Act [35 ILCS 120].

Section 670.130 Effective Date

An ordinance or resolution imposing or discontinuing or effecting a change in the rate of a tax imposed under the Special County Retailers' Occupation Tax For Public Safety Law shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following such adoption and filing. For this purpose, the date of the sale is deemed to be the date of the delivery of the property.

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- 1) Heading of the Part: Special County Service Occupation Tax For Public Safety

- 2) Code Citation: 86 Ill. Adm. Code 680

- 3) Section Numbers:
 680.101 New Section
 680.105 New Section
 680.110 New Section
 680.115 New Section
 680.120 New Section
 680.125 New Section
 680.130 New Section

- 4) Statutory Authority: 20 ILCS 2805/39b19

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Public Act 89-107, which creates the Special County Occupation Tax For Public Safety Law, which provides that the County Board of any county with a population in excess of 180,000 inhabitants may impose a tax upon persons engaged in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the county as an incident to the sale of service to provide revenue to be used exclusively for public safety purposes in that county.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Gina Roccaforte
 Associate Counsel
 Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield, IL 62794

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(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Counties with a population in excess of 180,000 inhabitants and servicepersons in those counties.
- B) Reporting, bookkeeping or other procedures required for compliance:
Minimal
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was unanticipated at the time of the Regulatory Agenda

The full text of the Proposed Rulemaking begins on the next page:

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NOTICE OF PROPOSED RULE

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 680

SPECIAL COUNTY SERVICE OCCUPATION TAX FOR PUBLIC SAFETY

Section

- 680.101 Nature of the Special County Service Occupation Tax For Public Safety
- 680.105 Registration and Returns
- 680.110 Claims to Recover Erroneously Paid Tax
- 680.115 Jurisdictional Questions
- 680.120 Incorporation of Service Occupation Tax Regulations by Reference
- 680.125 Penalties, Interest and Procedures
- 680.130 Effective Date

AUTHORITY: Implementing Section 5-1006.5 of the Special County Occupation Tax For Public Safety Law of the Counties Code [55 ILCS 5/5-1006.5] and authorized by Section 39b29 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b29].

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____,

Section 680.101 Nature of the Special County Service Occupation Tax For Public Safety

a) Authority to Impose Tax

The County Board of any county with a population in excess of 180,000 inhabitants, as determined by the most recent decennial census, is authorized by Section 5-1006.5 of the Counties Code [55 ILCS 5/5-1006.5] (the Code) to impose a tax on all persons engaged in the business of making sales of service in such county, at the same rate of tax imposed pursuant to Section 5-1006.5 of the selling price of all tangible personal property transferred by such serviceman either in the form of tangible personal property or in the form of real estate as an incident to such sale of service. If imposed, such tax shall only be imposed in 1/4% increments. The tax imposed by a county under the Code and this Part, and all civil penalties that may be assessed as an incident thereof, shall be collected and enforced by the Illinois Department of Revenue (Department).

b) Passing on the Tax

Servicemen are required to collect the Special County Service Occupation Tax For Public Safety (when applicable) from purchasers of service in conformance with the requirements of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the Special County Service Occupation Tax For Public Safety is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to any tax imposed pursuant to the authority granted in the

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Special County Service Occupation Tax For Public Safety Law to reimburse themselves for their servicemen's Special County Service Occupation Tax For Public Safety liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act [35 ILCS 110], pursuant to such bracket schedules as the Department has prescribed (see 86 Ill. Adm. Code 150. Table A).

- c) Exclusion from "Cost Prices"
- Any amount added by a serviceman to the selling price of tangible personal property as an incident to service because of a Special County Service Occupation Tax For Public Safety, or because of the Illinois Service Occupation Tax [35 ILCS 115], the Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-5], the Non-Home Rule Municipal Service Occupation Tax [65 ILCS 5/8-11-1.4], the Metro East Mass Transit District Service Occupation Tax [70 ILCS 3610/5.01], the Regional Transportation Authority Service Occupation Tax [70 ILCS 3615/4.03] or the County Water Commission Service Occupation Tax [70 ILCS 3720/4(c)], shall not be regarded as a part of the selling price which is subject to such Special County Service Occupation Tax For Public Safety.

Section 680.105 Registration and Returns

- a) A serviceman's registration under the Service Occupation Tax Act [35 ILCS 115] or the Illinois Retailers' Occupation Tax Act [35 ILCS 120] is sufficient for the purposes of the Special County Service Occupation Tax For Public Safety Law. No special registration for the Special County Service Occupation Tax For Public Safety is required.
- b) The information required for the Special County Service Occupation Tax For Public Safety shall be furnished on the taxpayer's Illinois Service Occupation Tax return form.
- c) The provisions of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140) are herein incorporated by reference and made a part of this Part.

Section 680.110 Claims to Recover Erroneously Paid Tax

Claims for Multiple Taxes. If a claimant files a claim for refund on a transaction which was subject to State and local taxes administered by the Department, the claim need not be filed separately for each type of tax. A single claim for the total of all applicable taxes will suffice. The claim will be audited, heard, or otherwise processed as a single claim whenever possible. A single credit memorandum will be issued which may be used by the claimant or his authorized assignee to pay State or local tax liability.

Section 680.115 Jurisdictional Questions

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- a) When used in this Part, "county" includes all territory located within the county, including all territory within cities, villages or incorporated towns, including an incorporated town which has superseded a civil township.
- b) If the Illinois Service Occupation Tax on a transaction is being remitted to the Department by the serviceman, the serviceman shall also pay Special County Service Occupation Tax For Public Safety to the Department on the same transaction if such serviceman's place of business is located in a county which has adopted the Special County Service Occupation Tax For Public Safety. This is true whether the serviceman bought the property in Illinois or outside Illinois.

Section 680.120 Incorporation of Service Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Service Occupation Tax Regulations (86 Ill. Adm. Code 140) which are not incompatible with the Special County Service Occupation Tax For Public Safety Law or any special Regulations that may be promulgated by the Department thereunder are incorporated herein by reference and made a part hereof.

Section 680.125 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the Special County Service Occupation Tax For Public Safety Law as under the Service Occupation Tax Act.

Section 680.130 Effective Date

An ordinance or resolution imposing or discontinuing or effecting a change in the rate of a tax imposed under the Special County Service Occupation Tax For Public Safety Law shall be adopted and a certified copy thereof filed with the Department on or before the first day of June, whereupon the Department shall proceed to administer and enforce the ordinance or resolution as of the first day of January next following such adoption and filing. For this purpose, the date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman retransfers as an incident to service.

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NOTICE OF PROPOSED AMENDMENTS

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- 1) Heading of the Part: Gas Revenue Tax
- 2) Code Citation: 86 Ill. Adm. Code 470
- 3) Section Numbers: 470.171
Proposed Action:
 New Section
- B) Reporting, bookkeeping or other procedures required for compliance: Minimal recordkeeping will be required. Entities subject to the Gas Revenue Tax Act will be required to retain certification presented by customers who qualify under the provisions of P.A. 89-0417.
- C) Types of professional skills necessary for compliance: None

4) Statutory Authority: 35 ILCS 615, 20 ILCS 2505/39b19

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was unanticipated at the time of the Regulatory Agenda.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Department's rules concerning the Gas Revenue Tax Act to provide rules on the exemption provided by Public Act 89-0417. An exemption is provided by Public Act 89-0417 for charges made to customers who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility.

The full text of the Proposed Amendment(s) begins on the next page:

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Terry D. Charlton
 Associate Counsel
 Illinois Department of Revenue
 Legal Services Office
 101 West Jefferson
 Springfield, Illinois 62794
 (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Any small business, small municipality, or not-for-profit corporations that are subject to the Gas Revenue Tax Act.

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 470

THE GAS REVENUE TAX ACT

Section	
470.101	Definitions
470.105	Disposition of Tax Monies
470.110	Imposition of Tax
470.115	Effective Period of Act
470.120	Returns
470.125	Gross Amount of Transactions or Billings Basis of Tax
470.130	Certificate of Registration
470.131	Enterprise Zone Exemption
470.135	Books and Records
470.140	Claims to Recover Erroneously Paid Tax
470.145	Furnishing of Gas
470.150	Gas Sold to and by Building Operators
470.155	Transactions in Interstate Commerce
470.160	Sales of Gas to the United States Government
470.165	Services Furnished The State of Illinois, its Departments, Agencies, Counties, Municipalities or Other Political Subdivisions
470.170	Services Furnished to Religious, Scientific, Educational and Charitable Institutions
470.171	Exemption for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995

470.175	Meter Readings
470.180	Services Furnished to Officers or Employees
470.185	Interdepartmental Transfers
470.190	Discounts, Penalties and Finance or Interest Charges
470.195	Sales of Appliances, Equipment or Services Subject to Other Tax Acts

AUTHORITY: Implementing the Gas Revenue Tax Act [35 ILCS 615] and authorized by Section 39b19 of the Civil Administrative Code of Illinois [20 ILCS 25/5-39b19]

SOURCE: Gas Revenue Tax Regulations, adopted July 24, 1945; codified at 8 Ill. Reg. 8608; amended at 11 Ill. Reg. 19751, effective October 30, 1987; amended at 20 Ill. Reg. _____, effective _____.

Section 470.171 Exemption for Charges Made to Customers Who Acquired Contractual Rights to Purchase Out-of-State Gas or Gas Services Prior to March 1, 1995

a) Beginning with charges billed on and after January 1, 1996, any charge for gas or gas services to a customer who acquired contractual rights

DEPARTMENT OF REVENUE

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for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility, is not subject to the tax imposed by the Gas Revenue Tax Act.

b) For the purposes of this exemption, the following terms have the following meanings:

"Charges solely related to the local distribution of gas by a public utility" means all charges subject to the Gas Revenue Tax Act, other than charges for gas and those charges that are reflected in the purchased gas adjustment clauses described in Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220].

"Direct purchase of gas or gas services originating from an out-of-State source" means the direct purchase of gas or gas services from a supplier with an out-of-State physical presence and the purchase order must be accepted outside this State.

"Direct purchase of gas or gas services originating from an out-of-State supplier" means the direct purchase of gas or gas services from a supplier with an out-of-State physical presence and the purchase order must be accepted outside this State.

"Public utility" means every corporation, company, limited liability company, association, joint stock company or association, firm, partnership or individual, their lessees, trustees, or receivers appointed by any court whatsoever that owns, controls, operates or manages, within this State, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in, the conveyance of gas by pipeline.

"Qualifying contract" means a document under which the customer of an Illinois public utility acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995.

c) The following are examples of qualifying contracts and contracts that are not qualifying contracts:

- 1) Qualifying contracts:
 - A) XYZ Corporation enters into a contract for the direct purchase of gas or gas services from ABC Supplier in January 1, 1995. The contract is entered into (purchase order is accepted) outside of Illinois and ABC Supplier has a physical presence outside of Illinois.
 - B) XYZ Corporation enters into a contract for the direct purchase of gas or gas services from a well head located in

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Oklahoma on January 1, 1995. The contract is entered into (purchase order is accepted) outside of Illinois.

2) Non-qualifying contracts:

A) XYZ Corporation enters into a contract for the direct purchase of gas or gas services from ABC Supplier on January 1, 1995. The contract is entered into (purchase order is accepted) within Illinois and ABC Supplier has a physical presence outside of Illinois.

B) XYZ Corporation enters into a contract for the direct purchase of gas or gas services from a well head located in Oklahoma on January 1, 1995. The contract is entered into (purchase order is accepted) within Illinois.

d) It is incumbent upon a taxpayer to establish that the exemption described in this Section is available. If a taxpayer maintains in its books and records the certification described in subsection (e) of this Section, that certification will be prima facie proof that the exemption is available to the taxpayer in reference to the customer listed on the certification. The obtaining of such a certification does not preclude the Department from going behind it and disregarding it if, in examining such customer's records, the Department finds that the certification was not true as to some fact or facts which show that the exemption was not available.

e) The certification described in subsection (d) of this Section must be a written certification signed by the customer stating:

1) the customer's name and address;

2) that the customer is purchasing the gas or gas services for its own use and that the gas or gas services will not be transferred to another entity;

3) that the customer had acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995; and

4) the name and address of the out-of-State supplier or source.

f) The exemption is available only with respect to the customer that acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-State supplier or source on or before March 1, 1995. A qualifying customer must be the same legal entity which acquired the qualifying contractual rights. Related entities, such as subsidiaries, affiliates, or holding companies, may not claim the exemption based upon the qualifying contract of a separate legal entity. However, legal entities that have merely changed form, such as a partnership electing to become a corporation, that retain the exact same ownership are still considered the same legal entity for purposes of this exemption. A legal entity that had acquired a qualifying contract and was merged with another legal entity or entities will still be considered the same legal entity if the surviving entity is the entity that had acquired the qualifying contractual rights.

g) If a customer that acquired qualifying contractual rights on or before

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March 1, 1995 has multiple gas or gas service accounts, then the exemption is available to all of that customer's gas and gas service accounts.

h) If the exemption is claimed by a taxpayer, then that taxpayer will be liable for tax, penalty, and interest if it is later determined that the exemption was not available. For example, if a taxpayer claims the exemption based on an invalid certification from a customer, then the Department will recover the tax and any applicable penalty and interest from the taxpayer. The Department is unable to assess a customer who has given an invalid certification because customers do not incur Gas Revenue Tax liability and there is no Gas Revenue Use Tax. Consequently, when the exemption has been improperly claimed and is disallowed, the Department will assess the taxpayer and the taxpayer is authorized to make an additional charge to the customer under Section 9-222 of the Public Utilities Act [220 ILCS 5/9-222].

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Adopted Action:
310.230 Amended
- 4) Statutory Authority: Authorized by Section 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) Effective Date of Amendment: June 11, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No. These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: June 11, 1996
- 9) Notice of Proposal Published in Illinois Register: March 8, 1996, Issue #10, 20 Ill. Reg. 4008
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference between proposal and final version:
1. In lines 304, 306, 308 and 310, the redundancies of the Physician Specialists have been deleted.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these Amendments replace an emergency amendment currently in effect? Yes

- 14) Are there any amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.Appendix A, Table AA	Amended	20 Ill. Reg. 4091 (March 15, 1996)
310.100	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.110	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.130	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.230	Amended	20 Ill. Reg. 4491 (March 22, 1996)

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NOTICE OF ADOPTED AMENDMENT

310.240	Amended	(March 22, 1996) 20 Ill. Reg. 4491 (March 22, 1996)
310.495	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.Appendix B	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.Appendix G	Amended	20 Ill. Reg. 4491 (March 22, 1996)
310.50	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.70	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.100	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.110	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.280	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.480	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.490	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.500	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.Appendix A, Table F	Amended	20 Ill. Reg. 5104 (April 5, 1996)
310.230	Amended	20 Ill. Reg. 5405 (April 12, 1996)

- 15) Summary and Purpose of Amendment: In Section 310.230, Part-Time Daily or Hourly Special Services Rate, the Department of Facilitation Services had requested the Educator's maximum daily rate be upgraded from \$60 to \$85 to provide a rate that would allow the agency to recruit Educators for irregular part-time work in the absences of full-time Educators. Also, the Technical Advisor IV title was deleted since this title was discontinued.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

The full text of the Adopted Amendment(s) begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20 Policy and Responsibilities
310.30 Jurisdiction
310.40 Pay Schedules
310.50 Definitions
310.60 Conversion of Base Salary to Pay Period Units
310.70 Conversion of Base Salary to Daily or Hourly Equivalents
310.80 Increases in Pay
310.90 Decreases in Pay
310.100 Other Pay Provisions
310.110 Implementation of Pay Plan Changes for Fiscal Year 1996
310.120 Interpretation and Application of Pay Plan
310.130 Effective Date
310.140 Reinstitution of Within Grade Salary Increases
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section

310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate
310.240 Hourly Rate
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate
310.270 Legislated and Contracted Rate
310.280 Designated Rate
310.290 Out-of-State or Foreign Service Rate
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Section
310.410 Jurisdiction
310.420 Objectives
310.430 Responsibilities
310.440 Merit Compensation Salary Schedule
310.450 Procedures for Determining Annual Merit Increases
310.455 Intermittent Merit Increase
310.456 Merit Zone
310.460 Other Pay Increases
310.470 Adjustment
310.480 Decreases in Pay
310.490 Other Pay Provisions
310.495 Public Service Administrator Class Series
310.500 Definitions
310.510 Conversion of Base Salary to Pay Period Units
310.520 Conversion of Base Salary to Daily or Hourly Equivalents
310.530 Implementation
310.540 Annual Merit Increase Guidechart for Fiscal Year 1996
310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA NR-916 (Department of Natural Resources, Teamsters)
TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C RC-069 (Firefighters, AFSCME)
TABLE D HR-001 (Teamsters Local #726)
TABLE E RC-020 (Teamsters Local #330)
TABLE F RC-019 (Teamsters Local #25)
TABLE G RC-045 (Automotive Mechanics, IFPE)
TABLE H RC-006 (Corrections Employees, AFSCME)
TABLE I RC-009 (Institutional Employees, AFSCME)
TABLE J RC-014 (Clerical Employees, AFSCME)
TABLE K RC-023 (Registered Nurses, INA)
TABLE L RC-008 (Boilermakers)
TABLE M RC-110 (Conservation Police Lodge)
TABLE N RC-010 (Professional Legal Unit, AFSCME)
TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q RC-033 (Meat Inspectors, IFPE)
TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T HR-010 (Teachers of Deaf, IFT)
TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V CU-500 (Corrections, Meet and Confer Employees)
TABLE W RC-062 (Technical Employees, AFSCME)

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NOTICE OF ADOPTED AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1996
APPENDIX C	Medical Administrator Rates for Fiscal Year 1996
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1996
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Public Service Administrator Class Series Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 13043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg.

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3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 9135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 27, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12987, effective July 24, 1989; amended at 13 Ill. Reg. 16350, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 619, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4155, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 9, 1991; corrected at 14 Ill. Reg. 16992; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18713, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18954, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 563, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

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1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6888, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27,

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1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective JUN 11 1996.

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	32 to 50 (daily)
Building/Grounds Lead I	4.25 to 6.00 (hourly)
Building/Grounds Lead II	4.25 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.00 to 6.00 (hourly)
Chemist I	32 to 70 (daily)
Conservation/Historic Preservation Worker	32 to 45 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	4.50 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	4.64 to 6.50 (hourly)
Dentist I	4.78 to 6.50 (hourly)
Dentist II	70 to 150 (daily)
Educator	100 to 185 (daily)
Educator Aide	25 to 35 (daily)
Guard II	25 to 35 (daily)
Guard III	32 to 35 (daily)
Hearing and Speech Coordinator	67 to 84 (daily)
Hearings Referee	75 to 96 (daily)
Janitor I	15 to 30 (hourly)
Labor Maintenance Lead Worker	75 to 200 (daily)
Labor Relations Investigator	4.73 to 5.30 (hourly)
	5.00 to 6.00 (hourly)
	35 to 70 (daily)

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Laborer (Maintenance)	4.25 to 5.70 (hourly)
Maintenance Worker	4.25 to 5.00 (hourly)
Occupational Therapist	
Program Coordinator	
Office Aide	40 to 160 (daily)
Eff. FY '96:	8.12 to 10.40 (hourly)
	60 to 78 (daily)
Eff. FY '97:	8.12 to 10.71 (hourly)
	60 to 80 (daily)
Eff. FY '96:	9.16 to 12.00 (hourly)
	68 to 90 (daily)
Eff. FY '97:	9.16 to 12.36 (hourly)
	68 to 93 (daily)
Eff. FY '96:	9.80 to 13.05 (hourly)
	73 to 98 (daily)
Eff. FY '97:	9.80 to 13.44 (hourly)
	73 to 101 (daily)
Eff. FY '96:	8.58 to 11.15 (hourly)
	64 to 84 (daily)
Eff. FY '97:	8.58 to 11.49 (hourly)
	64 to 86 (daily)
	15 to 35 (hourly)
	50 to 160 (daily)
	100 to 300 (daily)
	20 to 60 (hourly)
Physician	
Physician Specialist (A)	100 to 325 (daily)
Physician-Specialist-(A)	20 to 70 (hourly)
Physician Specialist (B)	100 to 350 (daily)
Physician-Specialist-(B)	20 to 75 (hourly)
Physician Specialist (C)	100 to 360 (daily)
Physician-Specialist-(C)	20 to 85 (hourly)
Physician Specialist (D)	100 to 370 (daily)
Physician-Specialist-(D)	50 to 125 (daily)
Podiatrist	35 to 80 (daily)
Psychologist I	40 to 125 (daily)
Psychologist II	40 to 150 (daily)
Psychologist III	5.33 (hourly)
Recreation Worker I	32 to 40 (daily)
Registered Nurse I	39 to 54 (daily)
Registered Nurse I	41 to 56 (daily)
(2nd or 3rd shift)	
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County -	44 to 59 (daily)
2nd or 3rd shift)	
Registered Nurse II	43 to 58 (daily)
Registered Nurse II	44 to 59 (daily)
(2nd or 3rd shift)	
Registered Nurse - I (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County -	47 to 62 (daily)

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2nd or 3rd shift)	
Social Worker II	35 to 75 (daily)
Social Worker III	35 to 80 (daily)
Student Worker	4.25 to 8.00 (hourly)
Tax Examiner	9.59 to 12.21 (hourly)
	73 to 92 (daily)
Technical Advisor II	32 to 35 (hourly)
Technical Advisor III	32 to 60 (hourly)
Technical-Advisor-IV	54 to 100 (hourly)
Veterinarian II	95 to 130 (daily)

(Source: Amended at 20 Ill. Reg. 8301, effective

JUN 11 1996)

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1) Heading of the Part: Public Relations

2) Code Citation: 20 Ill. Adm. Code 103

3) Section Numbers: Adopted Action:

103.10 Amend

103.15 New

103.30 Amend

103.40 Amend

103.50 Amend

103.60 Amend

4) Statutory Authority: Implementing Section 3-2-2 and authorized by Section 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].

5) Effective Date of Rulemaking: July 1, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 5, 1996

9) Notice of Proposal Published in Illinois Register: November 17, 1995; 19 Ill. Reg. 15567

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Minor punctuation has been added and Section 103.40(c) has been modified to prohibit face to face media interviews of persons under a sentence of death unless personally authorized by the Director and to include standards for exercise of this discretion.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were required; no agreement letter was issued.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The rule has been updated to include a Section for blanket designees throughout the rule; to update gender references; and to formalize the Department's current practice of prohibiting face to face media interviews of persons on death row unless personally authorized by the Director.

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16) Information and questions regarding these adopted amendments shall be directed to:

Donald N. Snyder, Jr., Deputy Director
Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666

The full text of the Adopted Amendment begins on the next page:

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insofar as such assignments do not interfere with the administrative responsibilities of the employee. The Director ~~ex-his--designee~~ shall be notified prior to any speaking engagement.

- b) No fees or honoraria for personal use may be accepted by the individual making the presentation. If a sponsoring organization wishes to make a contribution, it shall be encouraged to donate to the Resident's Benefit Fund of a particular facility or to another fund, project, or purchase that will benefit the committed person population of a facility.

(Source: Amended at 20 Ill. Reg. **8311** ~~III~~, effective JUL 01 1996)

Section 103.60 Tours of Correctional Facilities

- a) Tours of a correctional facility of the Department shall be subject to approval by the Chief Administrative Officer.
- b) Tours of a maximum security facility shall be restricted to persons 17 years of age or over except upon approval by the Director ~~ex-his designee~~.
- c) Ex-offenders, relatives, or close friends of committed persons may tour a facility only upon prior written approval of the Chief Administrative Officer.
- d) Visitors must remain with the touring group and the staff member conducting the tour. All visitors shall be required to abide by Department rules and procedures and the instructions of the employee conducting the tour.

(Source: Amended at 20 Ill. Reg. **8311** ~~III~~, effective JUL 01 1996)

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- 1) Heading of the Part: Operating Procedures for the Administration of Federal Funds
- 2) Code Citation: 20 Ill. Adm. Code 1520
- 3) Section Numbers: Adopted Action:
1520.10 Amendment
1520.47 New Section
1520.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Criminal Justice Information Act (20 ILCS 3930).
- 5) Effective Date of Rulemaking: June 7, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: June 3, 1996
- 9) Notice of Proposal Published in Illinois Register: February 16, 1996; 20 Ill. Reg. 2645
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 1520.50 (a), "confidentiality" was capitalized.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested by JCAR, and no agreement letter was issued.
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rulemaking establishes operating procedures for the administration of Violence Against Women Act of 1994 federal grant funds by the Illinois Criminal Justice Information Authority, informing prospective recipients of the requirements that control the administration of those funds.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kristi J. Kangas, Legal Advisor
Illinois Criminal Justice Information Authority

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120 S. Riverside Plaza
Chicago, IL 60606-3997
(312) 793-8550

The full text of the Adopted Amendments begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE
INFORMATION AUTHORITY

PART 1520

OPERATING PROCEDURES FOR THE ADMINISTRATION OF FEDERAL FUNDS

Section	Purpose and Authorization
1520.10	Definitions
1520.20	Application and Receipt of Justice Assistance Act of 1984 Funds
1520.30	Application and Receipt of Victims of Crime Act of 1984 Funds
1520.40	Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds
1520.45	Application and Receipt of Anti-Drug Abuse Act of 1988 Funds
1520.46	Application and Receipt of Violence Against Women Act of 1994 Funds
1520.47	Administration of Federal Funds
1520.50	Appeals
1520.60	

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546, effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; emergency expiring September 26, 1987; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5926, effective April 17, 1989; emergency amendments at 20 Ill. Reg. 3335, effective February 2, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8316 --, effective JUN 07 1996.

Section 1520.10 Purpose and Authorization

- The Illinois Criminal Justice Information Authority (Authority) establishes this Part to exercise its responsibility to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by...the United States pursuant to the federal Crime Control Act of 1973 (P.L. 93-83), as amended, and similar federal legislation, and to enter into agreements with the United States Government to further the purposes of the Act, or as may be required as a condition of obtaining federal funds,...
- Pursuant to the Organizational rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), the Budget Committee has the duty to oversee the grant award procedures of the Authority. This duty includes responsibility for establishing grant award procedures, submission of the Applications for funds and

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oversight of the grant award procedures for Justice Assistance Act of 1984 (P.L. 98-473, effective October 12, 1984) Victims of Crime Act of 1984 (P.L. 98-473, effective October 12, 1984), State and Local Law Enforcement Assistance Act (P.L. 99-570, effective October 27, 1986), and Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988), and Violence Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994) funds.

(Source: Amended at 20 Ill. Reg. **8316** _____, effective
JUN 07 1996)

Section 1520.47 Application and Receipt of Violence Against Women Act of 1994 Funds

a) The Authority will annually review Section 2001 of the Violence Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994) and based on the need to strengthen law enforcement, prosecution and victim services in cases involving violent crimes against women, particularly crimes of sexual assault and domestic violence, the services available to address that need, consultation with nonprofit, nongovernmental victim service programs, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (5 ILCS 1201), will select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.330).

b) Federal funds made available to the State of Illinois through the Violence Against Women Act of 1994 may be distributed to State agencies, units of local government, and nonprofit, nongovernmental victim services programs. In distributing funds, the Authority will give priority to areas of varying geographic size with the greatest needs, consider the population to be served within a geographic area, assure that the needs of previously underserved populations are identified and addressed, and equitably distribute monies on a geographic basis, including non-urban and rural areas of various geographic sizes. Based on the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies, units of local government, and nonprofit, nongovernmental victim services programs eligible for the receipt of federal funds:

- 1) analysis of need as evidenced by public health data, data regarding orders of protection, and demographic and criminal justice data;
- 2) comments from the public, service providers, and State and local officials;
- 3) information (including but not limited to prior experience with grants and current efforts regarding cases involving violent

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crimes against women) indicating the likelihood that a State agency, unit of local government, or nonprofit, nongovernmental victim services program will achieve the desired objectives of the Violence Against Women Act of 1994;

4) criminal justice and victim service agency surveys, which include information regarding service availability and the numbers of victims actually served, and the incidence of violent crimes against women (percentages as well as gross numbers);

5) current research findings; and

6) consultation with nonprofit, nongovernmental victim service programs.

c) A State agency, unit of local government, or nonprofit, nongovernmental victim service program, so identified pursuant to subsection (b) above, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Violence Against Women Act of 1994 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, States goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of the above-mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution.

d) A State agency, unit of local government, or nonprofit, nongovernmental victim service program not so contacted by the Executive Director pursuant to subsection (c), shall, however, upon written request to the Executive Director, be included among those State agencies, units of local government, or nonprofit, nongovernmental victim service programs evaluated by the Executive Director pursuant to the criteria established in subsection (b) above. Such written request shall include a description of programs or services that identifies the problem to be addressed, States goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of federal funds pursuant to the Violence Against Women Act of 1994, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution. If the Executive Director determines that the State agency, unit of local government, or nonprofit, nongovernmental victim service program is not so eligible or so qualified, the Executive Director shall notify the State agency, unit of local government, or nonprofit, nongovernmental victim service program, within 45 days after receipt of the written request, that it

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will not be recommended for funding and the reasons for such recommendation. The State agency, unit of local government, or nonprofit, nongovernmental victim service program may submit a written request for reconsideration to the Chairman of the Budget Committee within 30 days from receiving notice from the Executive Director. The written request for reconsideration shall include the reasons for requesting reconsideration by the Budget Committee.

e) The Budget Committee shall, at a public meeting conducted pursuant to the Open Meetings Act, designate programs or projects, implementing agencies, and amounts for funding, which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the Violence Against Women Act of 1994. The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above and written requests for reconsideration made pursuant to subsection (d) above;
 - 2) comments from the public, service providers and State and local officials;
 - 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
 - 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests, demonstrations or similar programs;
 - 5) the availability of funds;
 - 6) the overall cost of the program or services; and
 - 7) the requirement that a minimum of 25% of the funds received be distributed to each of the following: law enforcement, prosecution, and victim services.
- Pursuant to Section 2002 of the Violence Against Women Act of 1994, the Application to the Bureau of Justice Assistance shall include a State Implementation plan describing identified goals and how funds will be used to achieve those goals, and those certifications and assurances listed in Section 2002 of the Violence Against Women Act of 1994.
- Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (e) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall prepare such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting

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shall make them available for public inspection or copying upon request at no more than cost.

- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any state or federal statute or regulation, such rules, regulations and guidelines specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within ~~twenty-eight~~ 28 days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within ~~twenty-eight~~ 28 days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five ~~57~~ working days.

- c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond ~~twenty-eight~~ 28 days for an additional period not to exceed ~~fourteen~~ 14 days, if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the chairman of the Budget Committee or, in the event the chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Such consent shall be granted if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under these rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Such termination may then be appealed as provided by Section 1520.60. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five ~~57~~ working days.

- d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by

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the implementing agency in less than ~~twenty-eight~~ 28 days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five ~~57~~ working days.

- e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five ~~57~~ working days.

(Source: Amended at 20 Ill. Reg. 8316, effective

JUN 07 1996)

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

1) Heading of the Part: Uniform Disposition of Unclaimed Property Act

2) Code Citation: 38 Ill. Adm. Code 180

3) Section Numbers: Adopted Action:
180.21 Amendment

4) Statutory Authority: 765 ILCS 1025/26

5) Effective Date of Rulemaking: June 8, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 8, 1995

9) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 16426

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The rule requires all holders of unclaimed property to remit in United States Currency.

16) Information and questions regarding this adopted rule shall be directed to:

Name: M. Rose Kelly
Address: 100 W. Randolph
Chicago, IL 60601
Telephone: 312/814-2008

The full text of the Adopted Rule begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 180

UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT

Section	
180.10	Definitions
180.15	Presumption of Abandonment
180.20	Negative Reports
180.21	Reporting
180.22	Format/Form of Reports
180.24	Incomplete/Inaccurate Report or Remittance
180.25	Filing Extensions
180.30	Safe Deposit Boxes
180.35	Due Diligence
180.40	Cost of Mailing
180.50	Nominee and Street Name Property
180.60	Lawful Charges
180.70	Discontinuance of Interest or Dividends
180.80	Statute of Limitations (Repealed)
180.85	Situs
180.89	Fees
180.90	Examination of Property Holders
180.92	Remittance of Securities and Commodities
180.94	Receipt and Sale of Securities and Commodities
180.95	Examination Gap
180.100	Claims
180.110	Hearings on Claims
180.115	Non-Claim Hearings

AUTHORITY: Implementing and authorized by Section 26 of the Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/26].

SOURCE: Filed November 20, 1977; emergency amendment at 3 Ill. Reg. 39, p. 225, effective September 14, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 48, p. 153, effective November 20, 1979; rules repealed, new rules adopted and codified at 8 Ill. Reg. 1464, effective January 18, 1984; amended at 15 Ill. Reg. 8555, effective May 24, 1991; amended at 17 Ill. Reg. 123, effective December 21, 1992; emergency amendment at 17 Ill. Reg. 6321, effective April 6, 1993; amended at 17 Ill. Reg. 9893, effective June 21, 1993; amended at 18 Ill. Reg. 18001, effective December 12, 1994; amended at 20 Ill. Reg. 8325, effective JUN 8 1996.

Section 180.21 Reporting

a) Reporting Requirements

1) Business associations who have no reportable property and annual

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sales of less than \$500,000, and whose securities are not publicly traded, whose net worth is less than \$1,000,000, and who employ 49 or fewer persons, are not required to file annual reports under Section 11 of the Act.

2) Business associations who have no reportable property and annual sales of less than \$500,000, and whose securities are not publicly traded, whose net worth is less than \$1,000,000, and who employ 50 or more people but fewer than 100 persons, are required to file reports in even numbered years on the reporting date specified in Section 11 of the Act.

3) Notwithstanding the provisions of subsections (a)(1) and (2), a business association must file a report with the Department for all reportable property.

b) Within counties having a total population under 100,000, the County and Municipal Governments and Special Taxing Districts are only required to file a report with the Department for reportable property.

c) In applying Section 10.5(d) of the Act, fraudulent reporting includes, but is not limited to, a determination by a court or administrative hearing that a holder has fraudulently reported or fraudulently failed to remit presumptively abandoned property.

d) In applying Section 10.5(d) of the Act, failure to report includes, but is not limited to, the issuance by the Department of a Notice of Delinquency on a report filed by a holder.

e) A report required to be filed under the Act is deemed received and filed when it has been delivered complete, accurate and in correct form to the Department's Unclaimed Property Division office at 500 Iles Park Place, Suite 500, Springfield, Illinois 62718, and includes any required remittance.

f) A report will be deemed not to be timely received and filed under the Act if it:

- 1) is submitted after the required filing date,
- 2) is submitted in other than a form authorized in Section 180.22,
- 3) is unsigned or undated,
- 4) is incomplete, as defined in Section 180.24,
- 5) is inaccurate, as defined in Section 180.24,
- 6) is without the required remittance, or
- 7) does not meet any other requirement under the Act.

g) Reportable property that is not timely reported and remitted by a holder on the first reporting date specified in Section 11 of the Act after the property's initial date of presumptive abandonment must be reported upon discovery of the omission. The holder in the report must identify this property as being reported late and the reason.

h) Any remittance submitted under this Act must be made in United States Currency. Any submission made in foreign currency, money, checks or any other medium of a foreign country is unacceptable.

(Source: Amended at 20 Ill. Reg. **8325**, effective **JUN 08 1996**)

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1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) Section Numbers: Adopted Action:
 1001.700 New Section
 1001.710 New Section
 1001.720 New Section
 1001.730 New Section
 1001.740 New Section
 1001.750 New Section
 1001.760 New Section
 1001.770 New Section
 1001.780 New Section
 1001.785 New Section
 1001.790 New Section
 1001.795 New Section

4) Statutory Authority: Authorized by the Motor Vehicle Franchise Act, 815 ILCS 710/17,18,22.

5) Effective Date: June 12, 1996.

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: April 1, 1996.

9) Notice of Proposal Published in Illinois Register: January 26, 1996, 20 Ill. Reg. 1491.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: The comments of the Administrative Code Division and JCAR have been incorporated into the amendments.

In Section 1001.710, the following definition is changed to read as follows: "Manufacturer/distributor" means any person who manufactures, assembles, distributes, or sells at wholesale under a franchise agreement five or more new motor vehicles within Illinois during the calendar year.

Section 1001.730 subparagraph (a)(5) is changed to read as follows: "Suggest to the Secretary in writing legislative changes to the Act."

Section 1001.760 subparagraph (a)(3) is changed to read as follows: "If the notice does not meet all of the requirements of subparagraph (1)

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above, the Chairperson shall have the Secretary notify the complainant and the respondent of the defect and no hearing shall be set."

Section 1001.760 subparagraph (b) is changed to include the following sentence: "Specifically, disqualification of a hearing officer shall be in accordance with Section 1001.100 (b) of Subpart A of this Part (92 Ill. Adm. Code 1001.100(b))."

Section 1001.780 subparagraph (e) is changed to read as follows: "If the conference does not result in a settlement of the matter, the hearing shall proceed as scheduled unless a motion to dismiss is granted on the grounds of the protest being without merit and/or frivolous. In such case, the hearing officer shall issue a proposed order and all of the ensuing procedures set forth in Section 1001.770 of this Subpart relating to the issuance of a final order shall be followed."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will this amendment replace an emergency amendment currently in effect?
Yes

14) Are there any amendments pending on this Part? NO

15) Summary and Purpose of Amendments: These rules set forth how the Motor Vehicle Review Board is to be organized and how it will function, as well as the hearing procedures to be followed upon receipt of notices of protest from complaining dealers against manufacturers/distributors.

16) Information and questions regarding this adopted amendment shall be directed to:

Jay L. Mesi, Senior Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, Illinois 62756
(217) 785-8237

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001

PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	Applicability
1001.10	Definitions
1001.20	Right to Counsel
1001.30	Appearance of Attorney
1001.40	Special Appearance
1001.50	Substitution of Parties
1001.60	Commencement of Actions; Notice of Hearing
1001.70	Motions
1001.80	Form of Papers
1001.90	Conduct of Formal Hearings
1001.100	Orders
1001.110	Record of Hearings
1001.120	Invalidity
1001.130	

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	Applicability
1001.200	Definitions
1001.210	Hearings: Notice; Locations; Procedures; Record
1001.220	Rules of Evidence
1001.230	Scope of Hearings
1001.240	Decisions and Orders
1001.250	Rehearings
1001.260	Judicial Review
1001.270	Invalidity
1001.280	

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	Applicability
1001.300	Definitions
1001.310	Right to Representation
1001.320	Record and Reports
1001.330	Location of Hearings
1001.340	Duties and Responsibilities
1001.350	Decisions
1001.360	Invalidity
1001.370	

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SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	Applicability
1001.400	Definitions
1001.410	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.420	Revocation
1001.430	General Provisions for Reinstatement of Driving Privileges after
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations Pursuant to Sections 6-205(a)2, 6-205(d), 6-206(a)1, 6-206(a)6, 6-206(a)17, 6-206(a)24, 6-206(a)31, 6-201, 6-203, 6-203.1 and 11-501.1
1001.441	Breath Alcohol Ignition Interlock Device Pilot Program
1001.442	Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions
1001.443	Installers' Responsibilities; Initial Certification, Renewal, Termination, Revocation and Denial of Installer Certification
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

Section	Applicability
1001.500	Definitions
1001.510	Procedure
1001.520	Conduct of Medical Formal Hearings
1001.530	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED DRIVING PERMITS

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption

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**Alcohol and Drug Education and Awareness Program
Petitions for Restricted Driving Permits
Form and Location of Hearings
Invalidity**

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

APPENDIX A BAID Regions and Minimum Installation/Service Center Site Location Guidelines

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205, 6-206]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114, Ch. 7]. Subpart C implementing Sections 6-205(c) and 6-203(c)3 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c), 6-206(c)3]. Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208, 11-501]. Subpart E implementing Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908, 6-909]. Subpart F implementing Sections 2-113, 2-218, 6-208.2, 11-501.1, and 11-501.8 and authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1, 11-501.8]. Subpart G implementing the Motor Vehicle Franchise Act and authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1,

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1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective JUN 12 1996.

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section 1001.700 Applicability

This Subpart applies to the organization and implementation of the Motor Vehicle Review Board and to any hearing conducted pursuant to Section 12 of the Motor Vehicle Franchise Act, hereinafter referred to as the Act (815 ILCS 710). The Secretary shall act as the repository for all documents and records and as the clerk for the filing of all documents necessary for the hearing process involving the Act.

(Source: Added at 20 Ill. Reg. 8328, effective JUN 12 1996.)

Section 1001.710 Definitions

"Act" means the Motor Vehicle Franchise Act (815 ILCS 710).

"Board" means the three member Motor Vehicle Review Board.

"Complainant" means the dealer/franchisee requesting the hearing.

"Manufacturer/distributor" means any person who manufactures, assembles, distributes or sells at wholesale under a franchise agreement five or more new motor vehicles within Illinois during the calendar year.

"Party" means the Complainant or Respondent.

"Respondent" means the manufacturer/distributor allegedly violating the Act.

"Secretary" means the Secretary of State or his/her duly appointed designee.

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(Source: Added at 20 Ill. Reg. 8328, effective JUN 12 1996.)

Section 1001.720 Organization of Motor Vehicle Review Board

- a) The Chairperson shall be the contact person with the administrative personnel of the Secretary in order to implement the provisions of the Act. The Chairperson may delegate the duties of the Board to the remaining members.
- b) The selection by the Board of a Chairperson shall be done with the advice and consent of the Secretary.

(Source: Added at 20 Ill. Reg. 8328, effective JUN 12 1996.)

Section 1001.730 Motor Vehicle Review Board Meetings

- a) The annual meeting of the Board shall be held at a Secretary of State office or facility in either Chicago or Springfield as determined by the Chairperson. The first such meeting shall be held at a location determined by the Secretary. In addition to those responsibilities set forth in the Act, the following shall be accomplished at the annual meeting, but not limited thereto:

- 1) Formally adopt this Subpart G as its regulations for the holding and conducting of hearings concerning all matters within its powers;

- 2) Determine the members duties and responsibilities where practical;

- 3) Set a tentative schedule of meetings for the year;

- 4) Set out concerns and or needs to be addressed by the Secretary to help implement the Act, including a review of the administrative rules adopted and any suggested amendments thereto;

- 5) Suggest to the Secretary in writing legislative changes to the Act.

- b) The Board shall hold at a minimum quarterly meetings throughout the year for the following purposes, but not limited thereto:

- 1) Reviewing notices of protest and deciding how each should be handled;

- 2) Reviewing recommendations from hearing officers, exceptions and briefs from the parties, and issuing final orders.

- c) The quarterly or sooner meetings may be held in person, by telephone, or by other electronic means at the discretion of the Chairperson. In either event, the meeting of the Chairperson shall be at a facility of the Secretary in either Chicago or Springfield.

(Source: Added at 20 Ill. Reg. 8328, effective JUN 12 1996.)

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Section 1001.740 Board Fees

a) Annual compensation for Board members shall be as follows:

- 1) The Chairperson: \$25,000;
 - 2) The remaining members: \$20,000.
- b) All travel and other necessary expenses incurred by the members while performing official duties will be paid according to the State of Illinois Travel Regulations, promulgated by the Illinois Travel Regulation Council, and the Secretary of State Travel Control System, promulgated by the Secretary of State Travel Control Board. The members shall submit a detailed voucher at the end of each month setting forth the date, amount and the purpose of the expenditure and attach necessary receipts. Said voucher may be the same voucher submitted for compensation.
- c) All clerical, secretarial, office space, postage, equipment and other material needed to conduct business under the Act will be arranged by the Secretary.

(Source: Added at 20 Ill. Reg. **8328**, effective
JUN 12 1996)

Section 1001.750 Notice Of Protest

a) A notice of protest from a complainant must be in writing and contain at a minimum the following information:

- 1) Name, address and dealer license number of the complainant;
- 2) Name and address of the respondent;
- 3) Name and address of any other dealer/franchisee involved;
- 4) The Section(s) of the Act allegedly violated;
- 5) A brief description of the facts supporting the complainant's position;

6) A copy of any documents received from the respondent and any documents sent by the complainant to the respondent or other dealer/franchisee involved in the protest.

b) In determining if the notice has been timely filed, the postmark shall control if mailed; if hand delivered, the date of delivery as evidenced by a Secretary stamp mark; if faxed, the date of the fax.

c) The complainant must submit one original and three copies of the Notice of Protest in any one of the following ways: sent or delivered to the Illinois Secretary of State, Room 200, Howlett Building, Springfield, Illinois, 62756; delivered to the Illinois Secretary of State, Room 1200, 17 N. State, Chicago, Illinois, 60602; or faxed to the Springfield office at (217) 524-1561.

(Source: Added at 20 Ill. Reg. **8328**, effective
JUN 12 1996)

Section 1001.760 Hearing Procedures

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Section 1001.740 Board Fees

a) Receipt of a notice of protest shall be handled as follows:

- 1) Any notice of protest received by the Secretary shall be sent to the Chairperson, who shall review the notice to see if it has been timely filed, is in compliance with Section 1001.750, and falls under the purview of the Act.
- 2) If the notice meets all of the above requirements, the Chairperson shall:
 - A) Assign a Board member to monitor the case and a hearing officer to hear the case. The hearing officer shall be selected from a list of possible hearing officers supplied by the Secretary. The selection shall be made on a rotating basis taking into consideration expertise and qualifications needed for each case.
 - B) Have the Secretary enter an order setting the date, time and place of the hearing. Said date shall be within 60 days after the date of the order. The hearing shall be held at a location determined by the Secretary.
- 3) If the notice does not meet all of the requirements of subsection (1) above, the Chairperson shall have the Secretary notify the complainant and the respondent of the defect and no hearing shall be set.
- 4) If the Chairperson determines that the notice of protest does not fall under the purview of the Act in that the alleged violation is not under the Act or that an exception under the Act applies:
 - A) The complainant shall be so notified and given ten (10) working days to respond. If no response is received within that time, the Chairperson shall cause a summary order to be entered denying the relief requested, which shall be a final, appealable order.
 - B) If a response is received, as provided in Section 1001.750, copies of the file will be given to each Board member who will review the matter and at a meeting of the Board, make a recommendation to the Chairperson as to whether there appears to be a reasonable possibility that a violation of the Act occurred.
 - i) If a majority of the Board determines that there is such a reasonable possibility, a hearing shall be scheduled.
 - ii) If a majority of the Board determines that there is not such a reasonable possibility, the Chairperson shall cause a summary order to be entered denying the relief requested, which shall be a final appealable order.
- 5) All hearing related issues, such as rules of evidence, discovery, continuances, etc., are governed by Section 29 of the Act. To the extent that an issue is not covered in that Section, the administrative hearing rules found in Subpart A of this Part shall govern. Specifically, disqualification of a hearing officer shall be

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in accordance with Section 1001.100(b) of Subpart A of this Part. Enforcement of discovery procedures shall be as set forth in the Illinois Supreme Court Rule 219.

- c) The standard of proof is by the preponderance of the evidence.
- d) Once the proposed decision is served upon the parties, any party wishing to file exceptions and present a brief to the Board may do so by serving the same upon the Secretary in a manner and at a location as set forth in Section 1001.750. Upon receipt of said documents, the Secretary shall forward the documents to the Board member to whom the case was assigned, who shall review the brief and make a recommendation to the full Board. The Board member may consult with the hearing officer who heard the case.

(Source: Added at 20 Ill. Reg. **8328**, effective **JUN 12 1996**)

Section 1001.770 Conduct of Protest Hearing

a) These hearings shall be held in Chicago or Springfield at a location determined by the Secretary, taking into consideration the location and/or request of the complainant.

b) The hearing officer does not represent any party at the proceeding, but merely facilitates the hearing by presiding over it and performing the following duties in addition to those set forth in the Act:

- 1) Inform the parties of the relevant issues to be decided;
- 2) Rule on motions, the admissibility of evidence and all other legal issues raised;
- 3) Prepare a proposed decision and submit it to the Chairperson and have the Secretary serve it upon the parties to the proceeding.

c) The hearing shall proceed in the following manner:

- 1) The hearing officer will identify the parties and set forth the violations of the Act alleged by the complainant.
- 2) The party bearing the burden of proof as set forth in Sections 4 or 29 of the Act shall then present evidence in the form of documents and/or testimony relevant to the alleged violation of the Act. If Section 4 or 29 of the Act does not specify which party has the burden of proof for a particular violation of the Act, the burden of proof shall be on the respondent to show that there is good cause for its action or inaction.
- 3) The other party to the proceeding shall then be allowed to present its evidence.

4) The hearing officer may ask questions as deemed necessary.

5) At the conclusion of the taking of evidence, each party shall be allowed to make a closing statement. The hearing officer will then advise the parties that in accordance with Section 30 of the Act all expenses incurred by the Board in conducting the hearing shall be paid by the parties equally and further that if the complainant substantially prevails it will be awarded attorney's

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fees and costs in accordance with Section 13 of the Act. The hearing officer shall also advise the complainant that it should submit as soon as possible a detailed billing setting forth the dates, times, hours and other expenses it incurred in the hearing process.

- 6) The hearing officer shall then take the matter under advisement, review the evidence and make a written recommendation to the Board, including any award of attorney's fees and costs, by submitting it to the Secretary who shall then forward it to the Board member to whom it was assigned and serve it upon the parties.

d) The Board member shall review the recommendation, any exceptions and briefs submitted, and make a recommendation to the Board.

e) The Board shall then review the case file, the recommendation of the hearing officer, any exceptions and briefs, and the recommendation of the Board member. The Board shall then issue a final order which shall include any award of attorney's fees and costs or the amount of Board expenses payable by each party. The final order shall be forwarded to the Secretary who shall then serve it upon the parties.

(Source: Added at 20 Ill. Reg. **8328**, effective **JUN 12 1996**)

Section 1001.780 Mandatory Settlement Conference

a) The hearing officer assigned to the case may order a mandatory settlement conference (conference) if it is felt that such a conference would promote any of the following:

- 1) A clarification of issues and/or violations;
- 2) A settlement of the matter without a hearing;
- 3) What each party expects from the hearing process and would settle for without a hearing;

4) If a hearing is necessary, an estimate of the length of the hearing, the number of witnesses and volume of documentation, and an estimate of the hearing costs to be assessed to the parties.

b) If the hearing officer orders a conference, it shall be done by notifying the Secretary who shall then send a Notice of Mandatory Settlement Conference to each party. This notice shall advise the parties of the time and place of the conference and that failure to appear, be prepared, or have authority to settle the matter could result in any of the actions set forth in Section 29 of the Act.

c) A conference may be conducted in person or by telephone as deemed appropriate by the hearing officer.

d) If the conference results in a settlement of the matter to the satisfaction of the parties, the complainant shall submit a written withdrawal of its notice of protest which shall close the matter.

e) If the conference does not result in a settlement of the matter, the hearing shall proceed as scheduled unless a motion to dismiss is

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granted on the grounds of the protest being without merit and/or frivolous. In such case, the hearing officer shall issue a proposed order and all of the ensuing procedures set forth in Section 1001.770 of this Subpart relating to the issuance of a final order shall be followed.

(Source: Added at 20 Ill. Reg. 8328, effective JUN 12 1996)

(Source: Added at 20 Ill. Reg. 8328, effective JUN 12 1996)

Section 1001.785 Technical Issues

Section 1001.795 Invalidity

a) If a notice of protest involves a violation of Section 4(e)(8) of the Act in which a mileage determination is relevant, that determination shall be made by the submission of a land survey performed by a Illinois professional land surveyor. The survey shall measure from a point at the current location that is the closest point to the relocation site to a point at the relocation site that is the furthest from the current location. This measurement shall be a straight line as the crow flies, not the most direct route by vehicle. Each party may submit such a survey or may agree upon one surveyor whose determination shall govern. If the parties each submit a survey showing different results, the hearing officer shall have a survey completed by a surveyor approved by the Secretary which shall govern, the cost of which shall be paid by the parties.

b) In Section 4(e)(8)(C) of the Act, further away from the nearest dealer of the same line make shall mean that the new proposed dealer location is further from the nearest dealer of the same line make when measured from the new location to its nearest dealer of the same line make as compared to a measurement from the original dealer location to its nearest dealer of the same line make. The measurement shall be made as described in subsection (a) above.

(Source: JUN 12 1996 at 20 Ill. Reg. 8328, effective JUN 12 1996)

Section 1001.790 Hearing Expenses; Attorney's Fees

a) Expenses assessed against the parties to the hearing shall be as provided in Sections 13 and 30 of the Act. Costs that are to be assessed as required in Section 13 of the Act shall include all expenses incurred by the Board in conducting the hearing as well as costs incurred by the complainant.

b) The dollar amount of the expenses shall be the actual amount incurred by the Secretary and the complainant, which shall include but not be limited to: hearing officer and Board member compensation, postage, mailing, faxing or other electronic communication expenses, and other expenses directly attributable to a case including those incurred by a mandatory settlement conference.

If any portion of this Subpart shall be held by a court of competent jurisdiction to be invalid, such holding shall not affect the remaining portions hereof.

(Source: Added at 20 Ill. Reg. 8328, effective JUN 12 1996)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY RULES

1) Heading of the Part: Compensation of Local Governments for Emergency Planning and Participation in Nuclear Emergency Response Exercises

2) Code Citation: 32 Ill. Ad. Code 501

3) <u>Section Number:</u>	<u>Emergency Action:</u>
501.10	New Section
501.20	New Section
501.30	New Section
501.40	New Section
501.50	New Section
501.60	New Section
501.70	New Section
501.80	New Section
501.90	New Section
APPENDIX A	New Section

4) Statutory Authority: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act (420 ILCS 5/4).

5) Effective Date of Emergency Amendment: June 4, 1996

6) If this emergency rule is to expire before the end of the 150 day period, please specify the date on which it is to expire: This emergency rule will expire with the adoption of proposed rules at the end of the regular rulemaking process.

7) Date filed in Agency's Principal Office: June 4, 1996

8) Reason for Emergency: This emergency rulemaking is necessary to implement the Department's block grant procedures to local governments for their participation in the emergency planning activities dealing with the possibility of a nuclear accident. It is the Department's intent to disperse these block grant funds by July 1 so that funds will be available to local governments in order that ongoing program and planning activities are not adversely affected. The Department believes that the block grant model would result in a significant increase in the preparedness level of local governments by allowing local governments to respond proactively to ongoing advancements in technology and changes in federal guidance governing preparations for nuclear accidents. Program participation by local governments would be increased through up-front monies by allowing participating governments to plan for and project the cost of special projects and personal services expenditures, in lieu of failure to expend monies on project and program enhancements due to uncertainty of available INSEP funds. Local governments as well as the State have limited resources from which to tap funds for various projects. The block grant expenditures support activities associated with the six scheduled radiological emergency preparedness exercises during FY97. Effecting this

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change by July 1 will maximize the potential savings during that fiscal year.

Emergency preparedness of local governments will aid the Department in protecting the people of the State of Illinois against adverse health effects should a radiological accident occur in this State. The State of Illinois has more nuclear power plants than any other state in the U.S., thereby increasing the risk of a radiological accident. It is imperative that the administrative procedures utilized in compensating local governments do not hinder the goal and mission of the Illinois Nuclear Safety Preparedness Act.

9) A complete Description of the Subjects and Issue Involved: The Department is adopting this emergency rule to implement a block grant procedure, thereby making it more effective to compensate local governments for the expenses incurred in the emergency planning activities conducted by the Department pursuant to the provisions of the Illinois Nuclear Safety Preparedness Act.

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in today's Illinois Register, the Department has proposed, for public comment, a general rulemaking that covers the topics included in the Emergency Rule.

10) Are there any other proposed amendments to this Part pending? Yes. Elsewhere in today's Illinois Register, the Department has proposed, for public comment, a general rulemaking that covers the topics included in the Emergency Rule.

11) Statement of Statewide Policy Objectives: The requirements imposed by the emergency rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

12) Information and questions regarding this rule shall be directed to:

Valerie A. Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9880 (voice)
(217) 782-6133 (TDD)

The full text of the Emergency Rules begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY RULES

TITLE 32: ENERGY

CHAPTER 11: DEPARTMENT OF NUCLEAR SAFETY

SUBCHAPTER C: NUCLEAR FACILITY SAFETY

PART 501

COMPENSATION OF LOCAL GOVERNMENTS FOR EMERGENCY PLANNING AND PARTICIPATION IN NUCLEAR EMERGENCY RESPONSE EXERCISES

Section

501.10 Purpose and Scope

EMERGENCY

501.20 Definitions

EMERGENCY

501.30 Incorporations by Reference

EMERGENCY

501.40 Policies and Procedures

EMERGENCY

501.50 Establishment of Initial Block Grants

EMERGENCY

501.60 Future Block Grant Awards

EMERGENCY

501.70 Contents of Grant Agreement and Dispersement of Block Grant Funds

EMERGENCY

501.80 Audit, Expenditure Record Requirements and Block Grant Fund Recovery Procedures

EMERGENCY

501.90 Standards for the Determination of Permissible Uses of Block Grant Funds

EMERGENCY

Appendix A Wording of the Block Grant Agreement

EMERGENCY

AUTHORITY: Implementing and authorized by Section 4 of the Illinois Nuclear Safety Preparedness Act [420 ILCS 5/4].

SOURCE: Emergency rule adopted at 20 Ill. Reg. **8341**, effective June 4, 1996, for a maximum period of 150 days.

Section 501.10 Purpose and Scope

EMERGENCY

The purpose of this Part is to establish the policies and procedures necessary to compensate local governments for costs associated with implementation of Section 4 of the Illinois Nuclear Safety Preparedness Act (the Act) [420 ILCS 5]. The policies and procedures contained in this Part are intended to further the following objectives:

- a) to encourage local government participation in preparing and implementing plans to deal with the effects of nuclear accidents;

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- b) to reduce the encumbrance of public funds obligated by local governments in implementation of the Act by establishment of a block grant system of compensation, whereby grant monies are paid to the local government in advance of actual expenditures; and
- c) to provide guidance to local governments and Department staff in determining necessary activities and expenses payable pursuant to the Act.

Section 501.20 Definitions

EMERGENCY

"Authorized Expenses" means the actual expenditures of public funds by a local government attributable to implementation of the Act as determined necessary by the Director of the Department of Nuclear Safety (Department).

"Director" means the Director of the Department of Nuclear Safety or his designee.

"Drill" means the test or trial of a particular emergency preparedness system, function or operation, such as communications.

"Employee" means an individual actually paid wages or allowances by a local government for work performed on a full-time, part-time or intermittent basis.

"Exercise" means the testing of emergency response plans for nuclear facilities, including, but not limited to, the biennial testing and evaluation of off-site radiological emergency response plans and preparedness in support of nuclear generating stations, as required by the U.S. Nuclear Regulatory Commission, 10 CFR 50, Appendix E, current as of January 1, 1996.

"Grantee" means a local governmental entity to which a grant is made.

"Local Government" means a political subdivision below the State Government level, such as a county, municipality, township, village or district, with authority to expend public funds.

Section 501.30 Incorporations by Reference

EMERGENCY

All rules, standards and guidelines of agencies of the United States or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified in the reference and do not include any later amendments or editions. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer

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Park Drive, Springfield, Illinois.

Section 501.40 Policies and Procedures EMERGENCY

- a) The Department shall compensate local governments from fees collected pursuant to Section 4 of the Act.
- b) The Director shall provide block grants to local governments for expenses relating to implementation of emergency planning and response activities conducted by the Department to deal with the possibility of nuclear accidents at nuclear power stations.
- c) All grants made under this Part providing for payment of funds in advance of anticipated expenditures shall be made in accordance with a grant agreement to be executed by both the Director of the Department and the head of the local governmental entity to whom the grant is awarded.
- d) The Division of Planning and Analysis (DPA), Office of Nuclear Facility Safety, shall be responsible for implementation of this Part and shall be the point of contact for local governments relative to the provisions contained herein.

Section 501.50 Establishment of Initial Block Grants EMERGENCY

The initial amount of the block grants shall be based on the following criteria.

- a) The block grant shall be based on the amount determined by the Department to be an average of actual expenses approved by the Department over the most recent three-year period, plus any additional recurring costs, as determined to be necessary or required by the Department.
- b) Special requirement amounts shall be based on a local government's preparation for or participation in an exercise or drill that occurs outside of the annual exercise cycle. Such requests shall be made to the Department in writing, and will be subject to approval based upon available funds. Amounts dispersed and approved by the Department as special requirements will not be considered in calculating future grant awards.
- c) Special request amounts shall be based on requirements identified by a local government for items such as special equipment needs. Such requests shall be made to the Department in writing, and will be subject to approval based upon available funds. Amounts dispersed and approved by the Department as special requests will not be considered in calculating future grant awards.
- d) Special requirements and special requests approved by the Department after the disbursement of the initial block grant funds shall be incorporated into an amendment to the grant agreement before disbursement of the additional block grant funds.

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Section 501.60 Future Block Grant Awards EMERGENCY

- a) After the initial determination of the block grant awards, the Department will award future grants equal to the amount of the block grant funds expended in the previous year, less any special requirement and special request amounts as provided in Section 501.50(b) and (c) of this Part.
- b) Local governmental applicants who have not participated in the local compensation plan may be eligible to receive block grant funds pursuant to Section 501.90 of this Part and subject to Department approval based upon available funds. Applicants shall contact the Department for the necessary application forms.

Section 501.70 Contents of Grant Agreement and Disbursement of Block Grant Funds EMERGENCY

- a) The Director shall execute a grant agreement with each local government to whom a grant is awarded. The grant agreement shall specify the parties to the grant, the term of the grant, the amount of the grant, method of payment of the block grant funds, permissible uses of the block grant funds, that documentation of expenditures be maintained by the grantee, that unspent block grant funds shall be returned to the State as required by the Illinois Grant Funds Recovery Act [30 ILCS 705], that the Department may audit records required to be maintained to verify that grant monies were used for permissible uses under the grant, and that the grant agreement shall cease if funds for the grant are not appropriated by the General Assembly, and any other standard provisions required by the Comptroller to be included in grant agreements entered into by the State.
- b) Upon execution of the grant agreement, the Department shall allocate funds to a grant account established for the participating local government in an amount equal to the grant award. On July 1 of each year, or as soon thereafter as is practicable, the Department shall disburse to the local government an amount equal to the approved grant expenses.

AGENCY NOTE: It is the Department's intent that block grant funds will be disbursed on July 1 of each year. However, such disbursement might be delayed for reasons beyond the Department's control (e.g., failure of the General Assembly to make appropriations before July 1).

Section 501.80 Audit, Expenditure Record Requirements and Block Grant Fund Recovery Procedures EMERGENCY

- a) Participating local governments shall maintain, in separate files,

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documentation of expenditures under the grant that is readily accessible during a Department audit. Such documentation shall be on forms provided by the Department.

- b) The Department shall have the right to audit and obtain copies of the books, records, and any other recorded information of the grantee related to grantee expenses for which grantee received compensation under this Part.
- c) If, through a Department audit, the Department finds that the local government has misspent or improperly held any block grant funds, the Department shall have the right of recovery of such block grant funds in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act [30 ILCS 705].
- d) The Department shall inform the local government on whether future disbursements of the grant award are subject to adjustment in accordance with the provisions and procedures of the Illinois Grant Funds Recovery Act [30 ILCS 705].

Section 501.90 Standards for the Determination of Permissible Uses of Block Grant Funds

EMERGENCY

- a) The following standards are used by the Department staff in determining necessary activities and authorized expenses payable under the provisions of this Part. These standards are designed to achieve equality among known prospective grantees while taking into account the limitations imposed by the availability of appropriated funds.
- b) Necessary Activities:
 - 1) Response planning, preparation, radiological training and drills.
 - 2) Participation in the exercising of transportation and fixed facility nuclear response plans.
- 3) Internal post exercise critique and corrective action.

c) Authorized Expenses:

- 1) Personnel Services
 - A) Wages, plus fringe benefits, actually paid to local governmental employees for participation in necessary activities as described in subsection (b) of this Section.
 - B) Compensation shall be based on hourly rates for the number of hours of actual participation in necessary activities as described in subsection (b) of this Section.
 - C) Compensation for "matching funds" type employees shall be limited to wages actually paid from the local government's share of total funds contributed.
- 2) Individual Travel
 - A) Travel allowances actually paid to local government employees for travel performed in connection with their participation in necessary activities as described in subsection (b) of this Section.
 - B) Compensation for transportation, lodging, and per diem or

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meal expenses shall not exceed the rate in the State of Illinois Travel Regulations, 80 Ill. Adm. Code 3000, in effect at the time the expenditure was incurred, unless a local government ordinance, rule or regulation applicable to all employees of the local government specifies a higher rate.

3) Equipment Use

- A) Costs actually paid, incurred or obligated for local government owned or leased equipment used during or in connection with a necessary activity as specified in subsection (b) of this Section.
- B) Compensation for equipment use shall not exceed the rates indicated in the following table without complete documentation:

Type Equipment	Rate	Optional Rate
Automobile	\$0.30 per mile	\$3.20 per hour of actual operation
Bus	\$0.60 per mile	\$8.80 per hour of actual operation
Emergency Vehicle (ambulance, fire truck, rescue vehicle)	Base rate, fee or service charge customary to the area of operation	None

- C) Expenses for use of motorized equipment not listed in the table above shall be fully documented. Such documentation shall include the date of use, type of equipment, entity that used the equipment, miles or hours that the equipment was used, and cost per mile or hour for equipment use.

4) Miscellaneous Expenses

- A) Emergency Operations Center (EOC) Telecommunications
 - i) Installation, service and maintenance charges for those telecommunication lines, circuits and equipment used exclusively for exercising nuclear emergency response plans.
 - ii) Telecommunication lines or circuit usage charges relating exclusively to the exercising of nuclear emergency response plans.
- B) EOC Operational Materials: costs of maps, charts, plexiglass, status boards and similar materials relating exclusively to the exercising of nuclear emergency response plans.

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Section 501. Appendix A Wording of the Block Grant Agreement
EMERGENCY

The wording of a block grant agreement, which is entered into by the Department and local governments for the payment of funds in advance of anticipated expenditures to be incurred by local governments for their participation in the planning and response activities as specified in Section 501.90 of this Part, shall contain the following provisions except that the instructions in parentheses are to be replaced with the relevant information and the parentheses deleted:

STATE OF ILLINOIS
DEPARTMENT OF NUCLEAR SAFETY
INTERGOVERNMENTAL GRANT AGREEMENT

NO. _____

This Agreement is made and entered into by and between the Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, IL 62704, hereinafter referred to as DEPARTMENT, and the _____ (name and address of the local governmental entity) referred to as (VILLAGE, THE DISTRICT, ETC).

Introductory Statement

The Illinois Nuclear Safety Preparedness Act [420 ILCS 5] (the Act) authorizes DEPARTMENT to compensate local governments from fees collected pursuant to Section 4 of the Act for expenses incurred in activities defined as necessary by the Director of the DEPARTMENT to implement and maintain the plans and programs authorized by the Act. The Intergovernmental Cooperation Act [5 ILCS 220] authorizes the creation of intergovernmental agreements and contracts between public agencies of this State. Both DEPARTMENT and (NAME AS SHOWN IN THE REFERENCE CLAUSE, I.E., VILLAGE, THE DISTRICT, ETC) are public agencies of this State. The Grant Funds Recovery Act [30 ILCS 705] provides for the recovery by DEPARTMENT of unused block grant funds.

Terms of Agreement

DEPARTMENT and (VILLAGE, THE DISTRICT, ETC) hereby agree as follows:

- 1) Purpose: The purpose of this grant is to encourage participation by (VILLAGE, THE DISTRICT, ETC) in the emergency planning and response activities conducted by DEPARTMENT pursuant to the Act. Under this grant, DEPARTMENT hereby agrees to compensate (VILLAGE, THE DISTRICT, ETC) for expenses incurred in implementing plans and programs to deal with the possibility of a nuclear accident, as authorized by the Act.

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- 2) Term: This grant shall provide for compensation of funds expended between July 1, _____, through June 30, _____.

- 3) Use: Permissible expenditures by (VILLAGE, THE DISTRICT, ETC) for which compensation will be made under this Agreement shall be those expenditures which are in accordance with the terms of the Act and with the standards set forth in 32 Ill. Adm. Code 501.90.

- 4) Method of Payment: As soon as practicable after execution of this Agreement, DEPARTMENT shall disburse to (VILLAGE, THE DISTRICT, ETC) (SPELL OUT DOLLAR AMOUNT) (\$ _____), an amount equal to the DEPARTMENTALLY approved grant expenses that are anticipated to be incurred by (VILLAGE, THE DISTRICT, ETC) in State fiscal year _____. Payments under this Agreement shall be directed to:

(name and address of the Village,
District, etc)

- 5) (VILLAGE, THE DISTRICT, ETC) shall maintain documentation of actual compensable expenditures made in accordance with Article 3 above. Such documentation shall be on forms provided by DEPARTMENT and subject to the provisions of 32 Ill. Adm. Code 501.80.

- 6) Amount of Grant: The maximum amount payable to (VILLAGE, THE DISTRICT, ETC) under this Agreement shall be (SPELL OUT DOLLAR AMOUNT) (\$ _____).

- 7) Recovery of Funds: As required by Section 4 of the Illinois Grant Funds Recovery Act [30 ILCS 705], all funds remaining at the end of this Agreement shall be returned to DEPARTMENT within 45 days. In the event that (VILLAGE, THE DISTRICT, ETC) is compensated by DEPARTMENT in excess of expenditures actually and legitimately compensable under this Agreement, (VILLAGE, THE DISTRICT, ETC) shall return said excess compensation to DEPARTMENT within 45 days after the date that DEPARTMENT makes such a request for payment. In addition, DEPARTMENT may pursue other recovery actions as specified in Section 6 of the Illinois Grant Funds Recovery Act [30 ILCS 705].

- 8) Audit: DEPARTMENT may audit records required to be maintained under 32 Ill. Adm. Code 501.80 to verify that grant monies are being spent for permissible uses as specified in Article 3 of this grant agreement.

- 9) Records and Reports: (VILLAGE, THE DISTRICT, ETC) shall maintain, for a minimum of 5 years after the completion of this Agreement, adequate books, records, and supporting documents to verify the

DEPARTMENT OF NUCLEAR SAFETY

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amounts, recipients, and uses of all disbursements passing in conjunction with this Agreement. (VILLAGE, THE DISTRICT, ETC.) shall make available, on request, all books, records, and supporting documents related to this Agreement for review and audit by the Auditor General and/or the DEPARTMENT. (VILLAGE, THE DISTRICT, ETC.) agrees to cooperate fully with any audit conducted by the Auditor General or the DEPARTMENT and to provide full access to all relevant materials.

10) Independence of (VILLAGE, THE DISTRICT, ETC.): Any personnel, including contractors, who may be employed by (VILLAGE, THE DISTRICT, ETC.) in connection with this Agreement shall not be considered for any purpose to be agents or employees of DEPARTMENT. Nothing in this Agreement shall be construed to render (VILLAGE, THE DISTRICT, ETC.) an agent or employee of DEPARTMENT.

11) Assignment: This Agreement shall not be assigned.

12) Modification: No modification of this Agreement may be made unless agreed to in writing by both parties.

13) Illinois Law: This Agreement shall be interpreted in accordance with Illinois law.

14) Non-appropriation of Funds: This Agreement will cease immediately and without further liability, if in any fiscal year the Illinois General Assembly fails to appropriate or otherwise make available sufficient funds for this Agreement. In this event, (VILLAGE, THE DISTRICT, ETC.) will be paid for expenditures made during the period for which funds were available.

15) Termination: Each party reserves the right to terminate this Agreement upon 30 days written notice.

16) International Anti-Boycott Certification: (VILLAGE, THE DISTRICT, ETC.) certifies that neither (VILLAGE, THE DISTRICT, ETC.) nor any substantially-owned affiliated company is participating or shall participate in an international boycott in violation of the provisions of the U.S. Export Administration Act of 1979 or the regulations of the U.S. Department of Commerce promulgated under that Act (see 30 ILCS 582).

17) Taxpayer Identification Number and Legal Status Disclosure: (VILLAGE, THE DISTRICT, ETC.) shall complete the form entitled "CONTRACTOR'S FEDERAL TAXPAYER IDENTIFICATION NUMBER AND LEGAL STATUS DISCLOSURE CERTIFICATION FORM," which shall be provided by DEPARTMENT and made a part of this grant agreement.

DEPARTMENT OF NUCLEAR SAFETY

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18) Contact persons and notices: DEPARTMENT's contact person for matters related to this Agreement is:

Mr. Steve M. Dunas
Illinois Department of Nuclear Safety
Division of Planning & Analysis
1035 Outer Park Drive
Springfield, IL 62704
217/785-9863

(VILLAGE, THE DISTRICT, ETC.)'s contact person is:

(NAME OF PERSON)
(NAME OF ENTITY)
(ADDRESS)
(PHONE NUMBER)

DEPARTMENT and (VILLAGE, THE DISTRICT, ETC.) may, from time to time, designate in writing different contact persons or addresses. Unless otherwise specifically provided herein, all notices or submittals required or permitted pursuant to this Agreement shall be deemed given when personally delivered or upon three (3) days after being posted by certified or registered mail, return receipt requested, postage prepaid, to the designated contact person at the designated address.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

STATE OF ILLINOIS

(NAME OF ENTITY)

DEPARTMENT OF NUCLEAR SAFETY
1035 Outer Park Drive
Springfield, IL 62704

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

FEIN: _____

FEIN: _____

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: AIDS Drug Reimbursement Program

2) Code Citation: 77 Ill. Adm. Code 692

3) Section Numbers: 692.10
692.10
Emergency Action: Amendment
692. Appendix A Amendment

4) Statutory Authority: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff) and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

5) Effective Date of Emergency Rules: June 4, 1996

6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire: Not Applicable

7) Date Filed in Agency's Principal Office: June 4, 1996

8) Reason for Emergency:

The AIDS Drug Reimbursement Program provides approved HIV drugs and therapies to eligible participants throughout the State. On January 1, 1996, the Department added Efavir (3TC) and Inivase (saquinovir mesylate) to Category I (Drugs for Anti-Retroviral Therapy) of the drug formulary. The extremely high cost of the new drugs and the rapidly increasing number of participants utilizing the reimbursement program have resulted in a funding shortfall for the program and have made it necessary for the Department to reevaluate the administration of the program to determine how best to serve the maximum number of clients with available funds.

With the advice of the Ryan White Title II Advisory Council, the Department determined that the following changes are necessary for the optimal administration of the program under current fiscal conditions:

1. Effective immediately, financial eligibility criteria for new applicants will be revised from a monthly income of at or below 400% of the federal Poverty Level to at or below 200% of the federal Poverty Level. Currently approved clients will remain on the reimbursement program.

2. Effective July 1, 1996, the reimbursement program will cover 28 drugs that will include drugs from Category I (Drugs for Anti-Retroviral Therapy), Category II (Drugs for Treatment and Prophylaxis of PCP) and anti-viral and anti-fungal drugs from Category III (Drugs for Treatment and Prophylaxis of Opportunistic Infections and Anti-Microbials). Drugs from Categories IV and V will not be covered

DEPARTMENT OF PUBLIC HEALTH
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at this time.

3. Effective July 1, 1996, those participants whose incomes are above 100% of the federal Poverty Level (\$7,740 annually), will be charged a copayment of \$10 per prescription with a maximum payment of \$380.00 per year (July 1 - June 30).

4. The federal Poverty Income Guidelines are updated from the 1994 to the 1996 levels.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking changes the qualifying income level for participation in the AIDS Drug Reimbursement Program from 400% of the federal Poverty Level to 200% of the federal Poverty Level and adds a copayment. Currently approved clients will remain on the reimbursement program. The amendments also incorporate the 1996 federal Poverty Income Guidelines.

10) Are There Any Proposed Amendments Pending on this Part? No

11) Statement of Statewide Policy Objectives: These rules will not require any new expenditures by units of local government.

12) Information and Questions Regarding these Emergency Amendments shall be directed to:

Gail M. Devito
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 692

AIDS DRUG REIMBURSEMENT PROGRAM

Section

692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

EMERGENCY

APPENDIX A 1996 1994 Poverty Income Guidelines

EMERGENCY

APPENDIX B CARE Act Sliding Fee Scale

AUTHORITY: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff), and authorized by Section 55.41 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.41].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992; emergency amendment at 17 Ill. Reg. 12913, effective July 23, 1993, for a maximum of 150 days; emergency expired December 20, 1993; amended at 18 Ill. Reg. 1427, effective January 20, 1994; amended at 18 Ill. Reg. 17678, effective November 30, 1994; amended at 20 Ill. Reg. 8353, effective May 15, 1996; emergency amendment at 20 Ill. Reg. 8353, effective June 4, 1996, for a maximum of 150 days.

Section 692.10 Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

EMERGENCY

Drugs provided under this Section are paid for on behalf of low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or persons with the Human Immunodeficiency Virus (HIV).

- a) To qualify for services under this Section, a person must be enrolled in the AIDS Drug Reimbursement Program as of June 4, 1996 September 30, 1994, or:

- 1) make application with the Illinois Department of Public Health (Department);
- 2) be diagnosed as having AIDS or HIV;
- 3) qualify financially with anticipated gross net monthly income at or below 200% 466% of the Federal Poverty Level for the size of the household (see Appendix A);
- 4) not be eligible for 100% insurance coverage for drugs through another third party payor;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 5) not be eligible for the Medical Assistance Program (Medicaid) on the date drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown unmet status may participate); and
- 6) not be eligible for payment of medical services from any other governmental entity.
- b) All of the drugs that are reimbursable under the AIDS Drug Reimbursement Program have been approved by the federal Food and Drug Administration. The categories of drugs that may be covered under the AIDS Drug Reimbursement Program are:
 - Category I - Drugs for Anti-Retroviral Therapy;
 - Category II - Drugs for PCP Prophylaxis and Treatment;
 - Category III - Drugs for Prophylaxis and Treatment of Opportunistic Infections and Anti-Microbials;
 - Category IV - Drugs for Treatment of Neoplasms; and
 - Category V - Other Drugs Requiring Prior Approval, Including Bone Marrow Stimulants.
- c) To be eligible for services, all prescriptions must be filled by the Department's sole pharmacy contractor.
- d) The sole pharmacy contractor may charge a fee for services. If a fee for services is charged, it must not exceed ~~be in accordance with--and conform to~~ the sliding fee structure specified in Title II of the CARE Act (see Appendix B). Effective July 1, 1996, those participants whose incomes are above 100% of the federal Poverty Level (\$7,740 annually) will be charged a copayment of \$10 per prescription with a maximum payment of \$380.00 per year (July 1 - June 30).
- e) The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within 30 days from the date the Department receives the application. An individual may appeal the Department's denial of his/her application. Such appeal shall be in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

8353

(Source: Emergency amendment at 20 Ill. Reg. _____, effective June 4, 1996, for a maximum of 150 days)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

Section 692.APPENDIX A 1996 1994 Poverty Income Guidelines
EMERGENCY

1996 1994 Poverty Income Guidelines

Size of Family Unit	Poverty Guideline
1	\$ 7,740 57,360
2	10,360 79,400
3	12,980 127,320
4	15,600 147,800
5	18,220 177,290
6	20,840 197,760
7	23,460 227,240
8	26,080 247,720

For family units with more than 8 members, add \$2,620 ~~\$27,400~~ for each additional member.

(Source: Emergency amendment at 20 Ill. Reg. **8353**, effective June 4, 1996, for a maximum of 150 days)

SECRETARY OF STATE
NOTICE OF EMERGENCY AMENDMENT(S)

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: Emergency Action:
1030.91 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- 5) Effective Date of Rule: June 4, 1996
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rule will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: June 4, 1996
- 8) Reason for Emergency: Emergency action is needed in order to allow veterans with a disability to obtain an Illinois Disabled Person Identification Card. Currently, many Department of Veterans Affairs physicians will not sign a physician's certification which sets forth the classification of the veteran's disability. As a result, many disabled veterans are unable to obtain an Illinois Disabled Person Identification Card or are forced to go to a private physician and pay for the physician to complete the certification.
- 9) A Complete Description of the Subjects and Issues Involved: Allows the Department of Veterans Affairs to issue written verification to disabled veterans as to the type of their disability, which in turn will allow them to obtain an Illinois Disabled Person Identification Card.
- 10) Are there any proposed amendments to the Part pending: No
- 11) Statement of Statewide Policy Objectives: This Emergency amendment will not require a local government to establish or expand its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Information and questions regarding this emergency rule shall be directed to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 South Dirksen Parkway
Springfield, IL 62723
(217) 782-5356

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT(S)

The full text of the emergency rule begins on the following page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 1030

ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
EMERGENCY	
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Diplomatic and Consular Licenses
1030.96	Restricted Commercial Driver's License
1030.97	Invalidation of a Driver's License or Permit
1030.98	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-Of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License

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NOTICE OF EMERGENCY AMENDMENT(S)

APPENDIX A Questions Asked of a Driver's License Applicant
APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 13292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days.

Section 1030.91 Disabled Person/Handicapped Identification Card

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT(S)

EMERGENCY

a) For purposes of this Section, the following definitions shall apply:

"Department" - Driver Services Department within the Office of the Secretary of State.

"Handicapped Identification Card" - a standard identification card defined in Section 4(a) of the Illinois Identification Card Act [15 ILCS 305/4(a)] (1111-Rev-Stat-1987-Ch-124-Par-444) issued for no fee to persons who meet the definition of handicapped as defined in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1] (1111-Rev-Stat-1987-Ch-95-177-Par-1159-1) or who have a handicap so severe that it precludes him/her from obtaining an Illinois driver's license.

"Illinois Disabled Person Identification Card" - identification card issued pursuant to Section 4(b) of the Illinois Identification Card Act [15 ILCS 305/4(b)] (1111-Rev-Stat-1987-Ch-124-Par-444b).

b) If a person wishes to obtain an Illinois Disabled Person Identification Card pursuant to Section 4(b) of the Illinois Identification Card Act [15 ILCS 305/4(b)] (1111-Rev-Stat-1987-Ch-124-Par-444b), he/she shall fill out an application form provided by the Department.

c) The Disabled Person Identification Card application shall include the person's name, address, social security number, height, weight, hair color, eye color and date of birth. The applicant's physician shall certify the type of disability that the person has as either physical, developmental, visual, hearing, or mental and the classification of the disability to be Class 1, Class 1a, Class 2, or Class 2a as defined in Section 4(a) of the Illinois Identification Card Act [15 ILCS 305/4(a)] (1111-Rev-Stat-1987-Ch-124-Par-444). The physician shall sign the application and also print or type his/her name, business address and business phone number.

d) A person who presents written evidence of receiving Department of Veterans Affairs (VA) disability benefits shall also be entitled to a Disabled Person Identification Card without a physician's signature, based upon the following classifications:

- 1) Class 1a Disability - Evidence that the veteran is currently in receipt of special monthly compensation under 38 U.S.C. 1114(k) for the anatomical loss, or loss of use, of upper or lower extremity;
- 2) Class 2 Disability - Evidence that the veteran is currently in receipt of a Disability Benefits under 38 U.S.C. 1155, 1156 or 4117, based upon the existence of total disability;
- 3) Class 2a Disability - Evidence that the veteran is currently in receipt of special monthly disability benefits based upon

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housebound status, or the need for aid and attendance.

d) If a person does not qualify for a Disabled Person Identification Card, he/she may apply for a Handicapped Identification Card and he/she shall complete an application as provided in subsections (b) and (c) except for the physician's certification as to the type of disability. The applicant must sign an affidavit contained on the application form stating that he/she meets the definition of a handicapped person as defined in Section 1-159.1 of the Illinois Vehicle Code [625 ILCS 5/1-159.1] ~~that~~ ~~Rev--Stat--1987--Ch--95--1-27~~ ~~per--1-159--1~~ or that his/her handicap is so severe that it precludes him/her from obtaining an Illinois driver's license.

e) The application forms shall not be accepted by the Department unless all portions of the form are completely filled out. Failure to complete the application properly shall result in the applicant's request being denied.

f) If an applicant for a Handicapped Identification Card indicates on his/her application that he/she has a handicap so severe that it precludes him/her from obtaining an Illinois driver's license and it is determined that he/she has a valid Illinois driver's license, a Handicapped Identification Card shall be issued and the case shall be forwarded to the Driver Analysis Section of the Department for review and possible cancellation of the driver's license (92 Ill. Adm. Code 1040.80).

(Source: Emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Gas Revenue Tax
- 2) Code Citation: 86 Ill. Adm. Code 470
- 3) Section Numbers: Proposed Action:
470.171 New Section
- 4) Date Notice of Proposed Amendment Published in the Illinois Register:
January 12, 1996, 20 Ill. Reg. 696
- 5) Reason for the Withdrawal Discussions with taxpayer representatives have led the Department to make important changes to the proposed rulemaking. The Department is withdrawing this proposed rulemaking and will propose new rulemaking in order to give the public a chance to comment on the changes incorporated into the new proposed rulemaking.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF TEMPORARY SUSPENSION OF LICENSE ISSUED
UNDER THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(g) of the Residential Mortgage License Act of 1987, 205 ILCS 635/4-5(g) (1994), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a temporary Suspension of License for 30 days pending investigation, effective June 4, 1996, pursuant to the Commissioner's emergency powers suspending the license of Financial Resource Center Mortgage, Inc., an Illinois residential mortgage licensee located at 1701 East Woodfield Road, Suite 1000, Schaumburg, Illinois 60173.

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Illinois Swimming Pool and Bathing Beach Code
- 2) Code Citation: 77 Ill. Adm. Code 820
- 3) Section Numbers:
Authority Note
Main Source Note
- 4) Date Proposal published in Illinois Register: January 19, 1996, 20 Ill. Reg. 1164
- 5) Date Adoption published in Illinois Register: May 25, 1996, 20 Ill. Reg. 6971
- 6) Summary and Purpose of Expedited Correction: Corrected ILCS Citation in Authority Note and Code Citations in Main Source Note.
- 7) Information and questions regarding this request shall be directed to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
(217) 782-6187

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER n: RECREATIONAL FACILITIES

PART 820
ILLINOIS

SWIMMING POOL AND BATHING BEACH CODE

SUBPART A: GENERAL

Section
820.10
820.20

Definitions
Incorporated Materials

SUBPART B: SWIMMING POOLS AND BATHING BEACHES

Section
820.100
820.110
820.120
820.130

Permits
Water Supplies
Sewage Disposal
Food Service Sanitation

SUBPART C: SWIMMING POOL DESIGN REQUIREMENTS

Section
820.200
820.210
820.220
820.230
820.240
820.250
820.260

General Design Requirements
Swimming Pool Water Treatment System
Swimming Pool Bather Preparation Facilities
Wading Pools
Spray Pools
Water Slides
New Equipment, Construction and Materials

SUBPART D: SWIMMING POOL OPERATIONAL REQUIREMENTS

Section
820.300
820.310
820.320
820.330
820.340
820.350
820.360
820.370
820.380
820.390

Personnel
Safety Equipment
Water Quality
Swimming Pool Closing
Operation and Maintenance
Operation Reports and Routine Sampling
Personal Regulations
Swimming Suits and Towels Furnished by Management
Wading Pools and Spray Pools
Refuse Disposal

SUBPART E: BATHING BEACH DESIGN AND OPERATION

DEPARTMENT OF PUBLIC HEALTH

REQUEST FOR EXPEDITED CORRECTION

Section
820.500 Minimum Sanitary Requirements for Bathing Beaches

APPENDIX A Illustrations

ILLUSTRATION A Slope of Pool Bottom
ILLUSTRATION B Pool Walls
ILLUSTRATION C General Pool Diving Area Dimensions
ILLUSTRATION D Pools with Diving Facilities in Excess of Three Meters in Height
ILLUSTRATION E Slide Dimensions
ILLUSTRATION F Slide Position
ILLUSTRATION G Flow Meter Installation
ILLUSTRATION H Skimmer Construction
ILLUSTRATION I Installation of a Pressure Sand Filter System
ILLUSTRATION J Installation of a Pressure Diatomaceous Earth Filter System
ILLUSTRATION K Installation of a Vacuum Filter System
ILLUSTRATION L Chlorine Injection into Return Line to Pool Using Pump Discharge Pressure
ILLUSTRATION M Chlorine Injection into Return Line to Pool Using External Water Source Pressure
ILLUSTRATION N Chlorine Injection into Return Line to Pool Using Booster Pump

APPENDIX B Tables

TABLE A Dimensions of Swimming Pools with Diving Facilities in Excess of Three Meters in Height
TABLE B First Aid Kit Contents
TABLE C Flows Carried by Inlets
TABLE D Sizing Swimming Pool Chlorinators
TABLE E Shower, Lavatory and Toilet Fixtures Required Per Bather Load

AUTHORITY: Implementing and authorized by the Swimming Pool and Bathing Beach Act [210 ILCS 125].

SOURCE: Adopted October 22, 1974; amended and effective February 9, 1976; amended at 4 Ill. Reg. 46, p. 1283, effective November 5, 1980; amended at 5 Ill. Reg. 9593, effective September 16, 1981; rules repealed and new rules adopted at 5 Ill. Reg. 13623, effective December 2, 1981; amended and codified at 8 Ill. Reg. 12366, effective July 5, 1984; amended at 11 Ill. Reg. 12308, effective July 15, 1987; amended at 14 Ill. Reg. 786, effective January 1, 1990; amended at 20 Ill. Reg. 6971, effective May 25, 1996; expedited correction at 20 Ill. Reg. _____, effective May 25, 1996.

SUBPART A: GENERAL

Section 820.10 Definitions

"Act" means the Swimming Pool and Bathing Beach Act (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 1201 et seq.).

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REQUEST FOR EXPEDITED CORRECTION

"Approval" means compliance with the Act and this Part.

"Bather Load" means the maximum number of persons which may use the pool at one time without creating undue health or safety hazards. (See Section 820.200(b)).

"Community Water System" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

"Construction" means the placement or erection of structures or earthworks; land filling, excavation or non-agricultural alteration of the ground surface; installation of public utilities; channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.

"Diving Pool" means a pool designed and intended for use exclusively by divers.

"Division of Water Resources" means the Illinois Department of Transportation, Division of Water Resources, Department of Transportation Administration Building, Room 300, Springfield, Ill. 62764.

"Flume" means an inclined channel which conveys the water and the slide participant from the top of the slide to the plunge pool.

"Inlet" means an opening or fitting through which filtered water enters the pool.

"Main Drain" means the outlet or outlets in the floor of the pool.

"Make-up Water" means the water added to a pool to replace that which is lost.

"National Electrical Code" means a code for the practical safe-guarding of persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, or radio signalling, prepared by the National Fire Protection Association (NFPA), 60 Batterymarch St., Boston, Mass. 02110. (1984 Edition)

"National Sanitation Foundation (N.S.F.)" means a non-profit, non-commercial organization which wholly owns the National Sanitation Foundation Testing Laboratory, 2355 West Stadium Boulevard, P. O. Box 1468, Ann Arbor, Michigan 48106.

"Non-Community Water System" means a public water system that is not a

DEPARTMENT OF PUBLIC HEALTH

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community water system, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year.

"Perimeter Overflow Systems" means a channel at the normal water level normally extending completely around the pool water surface. Also known as an overflow gutter.

"Permit" means a certificate issued by the Department allowing the construction of a new public swimming pool or public bathing beach under the provisions of the Act.

"Plumbing" shall have the meaning set forth in the Illinois State Plumbing Code (77 Ill. Adm. Code 890).

"Plunge Pool" means a pool or artificial body of water into which a person exits from a waterslide.

"Pool Depth" means the distance between the pool floor and the perimeter overflow system lip or midpoint on the skimmer throat weir level.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

"Recirculation Piping" means the piping from the pool to the filters and back to the pool, through which the pool water circulates.

"Sewage" means any liquid waste containing animal or vegetable matter in suspension solution, and includes liquids containing chemicals in solution.

"Shallow Pool" means a pool, other than a wading pool or spray pool as defined in these regulations, in which the water depth does not exceed five feet at any point.

"Skimmer" means a mechanical device connected to the recirculation piping which is used to skim the pool surface.

"Special Flood Hazard Area" means an area having special flood hazards and shown as such on a Regulatory Flood Plan Map (published and

DEPARTMENT OF PUBLIC HEALTH
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available from the Division of Water Resources) or Flood Insurance Rate Map or Flood Hazard Boundary Map published by the Federal Insurance Administration of the Federal Emergency Management Agency.

"Spray Pool" means an artificially constructed area over which water is sprayed but is not allowed to pool.

"State Flood Plain Regulations" means the rules set forth for the Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706), issued by the Division of Water Resources.

"Swimming Pool Manager/Operator" means the person responsible for the actual daily operation, or for the supervision of the operation, of a swimming pool.

"Transition Point" means the point of the floor of the pool where an abrupt change in slope occurs between the shallow and deep areas of the pool.

"Turnover" means the time required to recirculate the water volume of the pool through the filtration system.

"Therapy Pool" means a pool intended only for medical treatment or muscle relaxation and not intended for swimming or instruction in swimming.

"Wading Pool" means a pool intended only for small children. It is not used for swimming nor instruction in swimming. The maximum depth is less than 30 inches.

"Water Slide" means a slide which consists of one or more flumes, a plunge pool, a pump reservoir, and water treatment facilities, where water is pumped to the top of the slide and allowed to flow down the flume to the plunge pool.

"Wave Pool" means a swimming pool designed for the purpose of producing wave action in the water.

(Source: Amended at 11 Ill. Reg. 12308, effective July 15, 1987)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JAMES R. THOMPSON CENTER
ROOM 16-503

CHICAGO, ILLINOIS

10:00 A.M.

JUNE 25, 1996

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Aging

Community Care Program (89 Ill Adm Code 240)
-First Notice Published: 20 Ill Reg 2627 - 2/16/96
-Second Notice Expiration: 6/28/96

Central Management Services

Standard Procurement (44 Ill Adm Code 1)
-First Notice Published: 20 Ill Reg 4878 - 3/29/96
-Second Notice Expiration: 7/18/96

Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 20 Ill Reg 5106 - 4/5/96
-Expiration of Second Notice Period: 7/7/96

Pay Plan (80 Ill Adm Code 310)

- First Notice Published: 20 Ill Reg 5405 - 4/12/96
- Expiration of Second Notice Period: 7/13/96

The Travel Regulation Council (80 Ill Adm Code 3000)

- First Notice Published: 20 Ill Reg 4887 - 3/29/96
- Expiration of Second Notice Period: 7/18/96

Children and Family Services

- Reports of Child Abuse and Neglect (89 Ill Adm Code 300)
- First Notice Published: 20 Ill Reg 4513 - 3/22/96
- Expiration of Second Notice Period: 6/28/96

Placement and Visitation Services (89 Ill Adm Code 301)

- First Notice Published: 19 Ill Reg 10349 - 7/21/95
- Expiration of Second Notice Period: 5/28/96

Client Service Planning (89 Ill Adm Code 305)

- First Notice Published: 19 Ill Reg 8821 - 7/7/95
- Expiration of Second Notice: 7/12/96

Appeal of Child Abuse and Neglect Investigation Findings (89 Ill Adm Code 336)

- First Notice Published: 20 Ill Reg 4511 - 3/22/96
- Expiration of Second Notice Period: 6/28/96

Commerce CommissionRules of Practice (83 Ill Adm Code 200)

- First Notice Published: 19 Ill Reg 11236 - 8/4/95
- Expiration of Second Notice Period: 7/19/96

ComptrollerIllinois Funeral or Burial Funds Act (38 Ill Adm Code 610)

- First Notice Published: 20 Ill Reg 3655 - 3/1/96
- Expiration of Second Notice Period: 6/26/96

EducationSecular Textbook Loan (23 Ill Adm Code 350)

- First Notice Published: 20 Ill Reg 4018 - 3/8/96
- Expiration of Second Notice Period: 7/19/96

Financial Institutions

- Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 Ill Adm Code 130)

- First Notice Published: 20 Ill Reg 5770 - 4/13/96
- Expiration of Second Notice Period: 7/24/96

Human RightsProcedural (56 Ill Adm Code 2520)

- First Notice Published: 20 Ill Reg 4892 - 3/29/96
- Expiration of Second Notice Period: 7/3/96

InsurancePreferred Provider Program Administrators (50 Ill Adm Code 2051)

- First Notice Published: 20 Ill Reg 4025 - 3/8/96
- Expiration of Second Notice Period: 7/3/96

Pre-Licensing and Continuing Education (50 Ill Adm Code 3119)

- First Notice Published: 20 Ill Reg 4173 - 3/15/96
- Expiration of Second Notice Period: 7/12/96

Repeal of Preferred Provider Program Administrators (50 Ill Adm Code 6501)

- First Notice Published: 20 Ill Reg 3677 - 3/1/96
- Expiration of Second Notice Period: 7/14/96

LaborPersonnel Records Review Act (56 Ill Adm Code 355)

- First Notice Published: 20 Ill Reg 3729 - 3/1/96
- Expiration of Second Notice Period: 7/11/96

Natural ResourcesSurface Mined Land Conservation and Reclamation Act (62 Ill Adm Code 300)

- First Notice Published: 20 Ill Reg 4199 - 3/15/96
- Expiration of Second Notice Period: 7/11/96

Nuclear SafetyRadiation Inspectors and Inspections (32 Ill Adm Code 410)

- First Notice Published: 20 Ill Reg 2314 - 2/9/96
- Expiration of Second Notice Period: 6/27/96

Professional RegulationControlled Substance Act (77 Ill Adm Code 3100)

- First Notice Published: 20 Ill Reg 5425 - 4/12/96
- Expiration of Second Notice Period: 7/12/96

Optometric Practice Act of 1987 (68 Ill Adm Code 1320)

- First Notice Published: 20 Ill Reg 5430 - 4/12/96
- Expiration of Second Notice Period: 7/12/96

Public Aid

General Assistance (89 Ill Adm Code 114)
 -First Notice Published: 20 Ill Reg 4237 - 3/15/96
 -Expiration of Second Notice Period: 7/4/96

Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 20 Ill Reg 4531 - 3/22/96
 -Expiration of Second Notice Period: 7/18/96

Developmental Disabilities Services (89 Ill Adm Code 144)

-First Notice Published: 20 Ill Reg 4526 - 3/22/96
 -Expiration of Second Notice Period: 7/5/96

Developmental Disabilities Services (89 Ill Adm Code 144)

-First Notice Published: 20 Ill Reg 4035 - 3/8/96
 -Expiration of Second Notice Period: 7/4/96

Public HealthHospital Licensing Requirements (77 Ill Adm Code 250)

-First Notice Published: 20 Ill Reg 192 - 1/5/96
 -Expiration of Second Notice Period: 6/28/96

Child Health Examination Code (77 Ill Adm Code 665)

-First Notice Published: 20 Ill Reg 4894 - 3/29/96
 -Expiration of Second Notice Period: 7/24/96

Immunization Code (77 Ill Adm Code 695)

-First Notice Published: 20 Ill Reg 4906 - 3/29/96
 -Expiration of Second Notice Period: 7/24/96

Drinking Water Systems Code (77 Ill Adm Code 900)

-First Notice Published: 20 Ill Reg 3812 - 3/1/96
 -Expiration of Second Notice Period: 7/24/96

Rehabilitation ServicesServices (89 Ill Adm Code 590)

-First Notice Published: 20 Ill Reg 3071 - 2/16/96
 -Expiration of Second Notice Period: 7/5/96

Projects with Industry (89 Ill Adm Code 640)

-First Notice Published: 20 Ill Reg 2374 - 2/9/96
 -Expiration of Second Notice Period: 7/5/96

Prescreening (89 Ill Adm Code 681)

-First Notice Published: 20 Ill Reg 3502 - 2/23/96
 -Expiration of Second Notice Period: 7/20/96

Provider Requirements, Type Services, and Rates of Payment (89 Ill Adm Code 686)
 -First Notice Published: 20 Ill Reg 3065 - 2/16/96
 -Expiration of Second Notice Period: 7/5/96

Repeal of Illinois Children's School and Rehabilitation Center's Respite Program (89 Ill Adm Code 787)
 -First Notice Published: 20 Ill Reg 5300 - 4/5/96
 -Expiration of Second Notice Period: 7/24/96

Revenue

Retailers' Occupation Tax (86 Ill Adm Code 130)
 -First Notice Published: 20 Ill Reg 5047 - 3/29/96
 -Expiration of Second Notice Period: 7/7/96

Retailers' Occupation Tax (86 Ill Adm Code 130)
 -First Notice Published: 20 Ill Reg 5470 - 4/12/96
 -Expiration of Second Notice Period: 7/14/96

Retailers' Occupation Tax (86 Ill Adm Code 130)
 -First Notice Published: 20 Ill Reg 5774 - 4/19/96
 -Expiration of Second Notice Period: 7/18/96

Motor Fuel Tax (86 Ill Adm Code 500)

-First Notice Published: 20 Ill Reg 5311 - 4/5/96
 -Expiration of Second Notice Period: 7/13/96

Tobacco Products Tax Act of 1995 (86 Ill Adm Code 660)

-First Notice Published: 20 Ill Reg 5317 - 4/5/96
 -Expiration of Second Notice Period: 7/13/96

Payment of Taxes by Electronic Funds Transfer (86 Ill Adm Code 750)

-First Notice Published: 20 Ill Reg 5042 - 3/29/96
 -Expiration of Second Notice Period: 7/5/96

General Rules for All Taxes (86 Ill Adm Code 800)

-First Notice Published: 20 Ill Reg 5038 - 3/29/96
 -Expiration of Second Notice Period: 7/4/96

State Toll Highway Authority

State Toll Highway Rules (92 Ill Adm Code 2520)
 -First Notice Published: 20 Ill Reg 4589 - 3/22/96
 -Expiration of Second Notice Period: 7/4/96

Student Assistance Commission

Grant Program for Dependents of Correctional Officers (23 Ill Adm Code 2731)

- First Notice Published: 20 Ill Reg 4572 - 3/22/96
- Expiration of Second Notice Period: 7/17/96

Police Officer/Fire Officer Survivor Grant Program (23 Ill Adm Code 2732)

- First Notice Published: 20 Ill Reg 4580 - 3/22/96
- Expiration of Second Notice Period: 7/17/96

EMERGENCY & PEREMPTORY RULEMAKINGSCentral Management Services

Pay Plan (80 Ill Adm Code 310) (Peremptory)

- Notice Published: 20 Ill Reg 7434 - 5/24/96

Public Aid

Developmental Disabilities Services (89 Ill Adm Code 144) (Emergency)

- Notice Published: 20 Ill Reg 7426 - 5/24/96

Revenue

Property Tax Code (86 Ill Adm Code 110) (Emergency)

- Notice Published: 20 Ill Reg 7540 - 5/30/96

EXPEDITED CORRECTIONSPublic Health

Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)

Rehabilitation Services

Appeals and Hearings (89 Ill Adm Code 510)

AGENCY RESPONSESChildren and Family Services

Background Checks (89 Ill Adm Code 385)

- First Published: 3/2/96
- Recommendation Date: 3/26/96

Corrections

Public Relations (20 Ill Adm Code 103)

- First Published: 11/17/95

-Recommendation Date: 3/26/96

Human Rights

Procedural (56 Ill Adm Code 2520)

- First Published: 3/29/96
- Recommendation Date: 5/23/96

Public Aid

Food Stamps (89 Ill Adm Code 121)

- First Published: 2/2/96
- Objection Date: 2/20/96

Demonstration Programs (89 Ill Adm Code 170)

- First Published: 11/17/95
- Recommendation Date: 2/20/96

State Police

Child Sex Offender Community Notification Law

- First Published: 3/8/96
- Recommendation Date: 5/21/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 4, 1996 through June 10, 1996 and have been scheduled for review by the Committee at its June 25, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/18/96	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	4/19/96 20 Ill Reg 5774	6/25/96
7/18/96	Department of Central Management Services, The Travel Regulation Council (80 Ill Adm Code 3000)	3/29/96 20 Ill Reg 4887	6/25/96
7/18/96	Department of Central Management Services, Standard Procurement (44 Ill Adm Code 1)	3/29/96 20 Ill Reg 4878	6/25/96
7/18/96	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	3/22/96 20 Ill Reg 4531	6/25/96
7/19/96	State Board of Education, Secular Textbook Loan (23 Ill Adm Code 350)	3/8/96 20 Ill Reg 4018	6/25/96
7/19/96	Illinois Commerce Commission, Rules of Practice (83 Ill Adm Code 200)	8/4/95 19 Ill Reg 11236	6/25/96
7/20/96	Department of Rehabilitation Services, Prescreening (89 Ill Adm Code 581)	2/23/96 20 Ill Reg 3502	6/25/96
7/24/96	Department of Financial Institutions, Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 Ill Adm Code 130)	4/19/96 20 Ill Reg 5770	6/25/96

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/24/96	Department of Rehabilitation Services, Repeal of Illinois Children's School and Rehabilitation Center's Respite Program (89 Ill Adm Code 787)	4/5/96 20 Ill Reg 5300	6/25/96
7/24/96	Department of Public Health, Immunization Code (77 Ill Adm Code 695)	3/29/96 20 Ill Reg 4906	6/25/96
7/24/96	Department of Public Health, Child Health Examination Code (77 Ill Adm Code 665)	3/29/96 20 Ill Reg 4894	6/25/96
7/24/96	Department of Public Health, Drinking Water Systems Code (77 Ill Adm Code 900)	3/1/96 20 Ill Reg 3812	6/25/96

PROCLAMATIONS

96-249

AMUNDSEN HIGH SCHOOL MONTH/
HIGHLAND ELEMENTARY SCHOOL MONTH

Whereas, values are the emotional rules by which a nation governs itself; and

Whereas, values summarize the accumulated folk wisdom by which a society organizes and disciplines itself; and

Whereas, values are the precious reminders we as individuals obey to bring order and meaning into our personal lives and without values, nations, societies and individuals cannot long survive; and

Whereas, young people these days are thrown into much competition and social exchange that test their decision-making skills strenuously; and

Whereas, the Concerned Businessmen's Association of America, out of a concern for our youth and their future, created the American "Set a Good Example" Contest to help youth educate themselves and their peers in common sense values; and

Whereas, this competition has been commended 15 times in the United States Congressional Record, recognized and applauded by governors throughout the United States, mayors across the country, parents, teachers, business, and industry; and

Whereas, the judges of this highly acclaimed competition have chosen Amundsen High School of Chicago as the National Second Place High School and Highland Elementary School of Skokie as Number Four Elementary School from among the top ten winners in the Tenth Anniversary competition of this annual program; and

Whereas, the principals, faculty members, students of these schools, parents and sponsors Dr. and Mrs. Michael A. Goone should be commended for their continued hard work and efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1996 as AMUNDSEN HIGH SCHOOL MONTH and HIGHLAND ELEMENTARY SCHOOL MONTH in Illinois in honor of their accomplishments and offer my best wishes for continued success. Issued by the Governor May 24, 1996.

Filed by the Secretary of State June 7, 1996.

96-250

CHICAGO PEDIATRIC SOCIETY DAY

Whereas, the Chicago Pediatric Society is in the midst of celebrating its Centennial year; and

Whereas, in the Autumn of 1895, a group of physicians, led by Dr. J.C. Cook, met to discuss their experiences in the treatment of diseases of infants and children; and

Whereas, since its inception in 1895, the Chicago Pediatric Society has been dedicated to the betterment of the health of the children of Chicago in the field of pediatrics; and

Whereas, the 400 physician members of the Chicago Pediatric Society are celebrating their 100 year anniversary during the program year of 1995-96; and

Whereas, the Chicago Pediatric Society is honoring this occasion at a special program on May 31, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 31, 1996, as CHICAGO PEDIATRIC SOCIETY DAY in Illinois in honor of its 100th anniversary and offer my best wishes for continued success.

Issued by the Governor May 24, 1996.

Filed by the Secretary of State June 7, 1996.

96-251

ETHNIC MEDIA WEEK

Whereas, the ethnic media of Illinois have a long and proud tradition in the state; and

Whereas, the influence of Illinois' ethnic media has been invaluable in providing information about current events and other pertinent issues directly to the communities they serve; and

Whereas, the many ethnic programs and publications available to the public provide an invaluable service by recording the cultures, traditions, language and heritage of individual ethnic groups; and

Whereas, the ethnic media have worked diligently to maintain their programs and publications, often relying on limited resources and staff; and

Whereas, the ethnic media of Illinois should be commended for their dedication to providing services that have a positive impact on a number of cultures; and

Whereas, the Governor's Office of Ethnic Media is hosting a reception in honor of Ethnic Media Week at the James R. Thompson Center on May 29;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 27-31, 1996, as ETHNIC MEDIA WEEK in Illinois.

Issued by the Governor May 24, 1996.

Filed by the Secretary of State June 7, 1996

96-252

HENRY NASH ELEMENTARY SCHOOL DAY

Whereas, Henry Nash Elementary School was founded in 1896 and is located on the far west side of Chicago; and

Whereas, Henry Nash Elementary School has developed curriculum, programs and activities which have kept pace with the fluid student composition and their needs; and

Whereas, Henry Nash Elementary School's history began with its first principal, Margaret Gill (1896-1915), and continues through its current principal, Richard D. Kerr, serving since 1984; and

Whereas, Henry Nash Elementary School has a rich and proud heritage; and Whereas, the school will head into its second century of educating children in the city of Chicago and the great State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 31, 1996, as HENRY NASH ELEMENTARY SCHOOL DAY in Illinois in honor of its accomplishments and dedication to our students and offer my best wishes for continued success.

Issued by the Governor May 24, 1996.

Filed by the Secretary of State June 7, 1996.

96-253

QUILL CORPORATION DAY

Whereas, Quill Corporation, the nation's largest independent direct marketer of office products, founded in Chicago and headquartered in Lincolnshire, Illinois, will celebrate its 40th anniversary on June 3, 1996; and

Whereas, Quill Corporation has identified and established a Customer's Bill of Rights in order to guarantee consistently high standards of customer service to Illinois businesses, as well as businesses throughout the United States; and

Whereas, Quill Corporation has faithfully adhered to its philosophy of always exceeding customer expectations and constantly finding new ways to satisfy them; and

Whereas, Quill Corporation has dedicated itself to the fullest understanding of employees, customers and effective business practices; and

Whereas, Quill Corporation has recognized that people are its most valuable assets and has provided its employees with training, tools and educational opportunities that allow each individual to reach his/her personal potential and goals; and

Whereas, Quill Corporation has encouraged the men and women it employs to hold themselves accountable for their own personal successes and the success of the Corporation in order that all may succeed;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 3, 1996, as QUILL CORPORATION DAY in Illinois in honor of their 40th anniversary and many accomplishments and offer my best wishes for continued success in the years ahead.

Issued by the Governor May 24, 1996.

Filed by the Secretary of State June 7, 1996.

96-254

SAFETY MONTH

Whereas, unintentional-injury deaths increased in 1994 for the second consecutive year, totaling nearly 85,000; and

Whereas, motor vehicle crashes accounted for 43,000 fatalities; and

Whereas, unintentional-injury fatalities in the home totaled 26,700; and

Whereas, 5,000 fatalities occurred in the workplace; and

Whereas, even with advancements in safety, such as increases in technology and legislation that have created a safer environment for Americans, the unintentional-injury death toll continues to rise; and

Whereas, citizens deserve a solution to these nationwide safety and health threats; and

Whereas, such a solution requires the cooperation of all levels of government, as well as the general public; and

Whereas, the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problems and the solutions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1996 as SAFETY MONTH in Illinois in conjunction with the National Safety Council and other organizations, individuals and state governments and urge all citizens to remember that safety is a way of life to be practiced each day of the year.

Issued by the Governor May 24, 1996.

Filed by the Secretary of State June 7, 1996.

96-255

CHALLENGE OF CHAMPIONS DAY

Whereas, the Physically Handicapped Public Schools of Chicago were established to provide comprehensive educational and health services for physically handicapped children; and

Whereas, these unique schools prescribe individualized services for each student with the support of staff, parents, and medical resources; and

Whereas, the 17th annual City-Wide Challenge of Champions is being held on Friday, June 7, 1996, at the South Shore Cultural Center; and

Whereas, the participants include 3 to 15 year-old children who have Cerebral Palsy, Muscular Dystrophy, Hemophilia, and Sickle Cell Anemia; and

Whereas, more than 3,000 students, staff, parents, and volunteers are expected to attend and participate;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7, 1996, as CHALLENGE OF CHAMPIONS DAY in Illinois.

Issued by the Governor May 28, 1996.

Filed by the Secretary of State June 7, 1996.

96-256

DR. LLEWELLYN J. CORNELIUS DAY

Whereas, the University of Chicago School of Social Service Administration annually presents the Elizabeth Butler Alumni Award; and

Whereas, this prestigious award recognizes a recent graduate who has demonstrated exceptional commitment and contributions to the field of social work; and

Whereas, this year's recipient is Dr. Llewellyn J. Cornelius; and

Whereas, this award acknowledges Dr. Cornelius for his leadership and extensive work in research and health care policies enabling African and Hispanic Americans to obtain needed medical services; and

Whereas, in addition to his teaching, research and writing, he has represented the University of Maryland's School of Social Work with planning community projects in collaboration with the State of Maryland;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1996, as DR. LLEWELLYN J. CORNELIUS DAY in Illinois in honor of his accomplishments and offer my best wishes for continued success.

Issued by the Governor May 28, 1996.

Filed by the Secretary of State June 7, 1996.

96-257

NATIONAL ASSOCIATION OF CONSUMER CREDIT ADMINISTRATORS' WEEK

Whereas, the National Association of Consumer Credit Administrators is an organization dedicated to improving the supervision of Consumer Credit Finance companies and to facilitating the administration of laws governing these companies in the United States, its territories and Canada; and

Whereas, membership of the Association consists of officials of the states and territories of the United States of America and of the Dominion of Canada who, by law, are vested with the authority and duty to administer statutes regarding the regulation and supervision of Consumer Credit Finance Companies in the United States and Canada; and

Whereas, for nearly a decade, the Continuing Education Committee of the National Association of Consumer Credit Administrators has planned and coordinated an annual Examiners Conference for the purpose of gathering consumer credit examiners from throughout the country to communicate mutual concerns, address issues within the industry and sharpen their skills in the field; and

Whereas, the City of Chicago and the State of Illinois have been selected to host the 1996 Examiners Conference;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23-29, 1996, as NATIONAL ASSOCIATION OF CONSUMER CREDIT ADMINISTRATORS' WEEK in Illinois.

Issued by the Governor May 28, 1996.

Filed by the Secretary of State June 7, 1996.

96-258
OLYMPIC TORCH RELAY DAY

Whereas, the United States will host the 1996 Summer Olympic Games in Atlanta, Georgia, in celebration of the Centennial anniversary of the modern Olympic movement; and

Whereas, beginning April 27 in Los Angeles, California, the Olympic Torch Relay will cover 15,000 miles over 84 days and end July 29 in Atlanta, where the Olympic flame will be used to light the cauldron at Olympic Stadium during the opening ceremony; and

Whereas, a total of 10,000 torchbearers will carry the Olympic flame, including 2,500 runners selected by their families and friends through the Coca-Cola "Share the Spirit" program; and

Whereas, the Olympic Torch will pass through Illinois on June 3 during which time a variety of Illinois citizens from all walks of life will have the honor of carrying the torch; and

Whereas, Illinois Coca-Cola bottlers will present the Olympic Torch and a commemorative highway sign welcoming the torch to our state on May 29; and

Whereas, the 1996 Olympic Torch Relay is a symbol of human unity, strength and endurance, touching the lives of millions of people throughout the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 3, 1996, as 1996 OLYMPIC TORCH RELAY DAY in Illinois and commend all the individuals and organizations participating in this spectacular event.

Issued by the Governor May 28, 1996.

Filed by the Secretary of State June 7, 1996.

96-259
ADVOCATE HEALTH CARE DAY

Whereas, Advocate Health Care is based in Oak Brook and it is one of the largest health care organizations in the Chicago area; and

Whereas, Advocate Health Care has more than 20,000 employees, 3,500 physicians and eight hospitals; and

Whereas, Advocate Health Care is committed to caring for individuals, families and communities; and

Whereas, in addition, Advocate Health Care has a commendable reputation for utilizing minorities and women as employees, vendors and for important

construction projects; and

Whereas, Advocate Health Care will receive the "Corporation of the Year" award on June 1;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1996, as ADVOCATE HEALTH CARE DAY in Illinois.

Issued by the Governor May 30, 1996

Filed by the Secretary of State June 7, 1996.

96-260
ONSRUD CUTTER DAY

Whereas, Onsrud Cutter, Inc. was incorporated in Libertyville, Illinois, on March 2, 1946; and

Whereas, the company has provided employment and growth in an environment where safety and quality are top priorities to Illinois residents for more than 50 years; and

Whereas, Onsrud Cutter has won two international awards for new products in the past eight years; and

Whereas, the company has invested in new technology over the years and has formed effective relationships with both customers and vendors worldwide to succeed in a most competitive market; and

Whereas, Onsrud Cutter is celebrating its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 2, 1996, as ONSRUD CUTTER DAY in Illinois in honor of their anniversary and offer my best wishes for continued success.

Issued by the Governor May 30, 1996.

Filed by the Secretary of State June 7, 1996.

96-261
HAROLD AND NORMA LEISCH DAY

Whereas, in 1982, Harold Leisch and his wife, Norma, formed a committee to discuss the possibilities of building a Korean-Vietnam Memorial. The group met monthly at the VFW Post 728 and discussed fund raising, land acquisition and total costs involved in the project; and

Whereas, the Leischs and their group overcame many obstacles and received help from local unions, service organizations, civic organizations, businesses and citizens; and

Whereas, to help raise money for this and other projects, Harold and Norma Leisch have spent the last 14 years of his retirement collecting aluminum cans; and

Whereas, the Korean-Vietnam Memorial was dedicated May 31, 1984; and Whereas, Harold and Norma also worked hard to make a World War II Monument (dedicated in 1991) and a Women's Monument become reality; and

Whereas, Harold and Norma Leisch are appreciated by the veterans of Vermillion County and by the citizens of Illinois for their time and effort;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1996, as HAROLD AND NORMA LEISCH DAY in Illinois in recognition of their commendable contribution to the veterans and citizens of our state.

Issued by the Governor May 31, 1996.

Filed by the Secretary of State June 7, 1996.

96-262

ILLINOIS TRAILS DAY

Whereas, trails provide opportunities for a variety of outdoor recreation activities including hiking, bicycling, horseback riding, snowmobiling, mountain biking, cross country skiing and other outdoor activities; and

Whereas, trails offer unique opportunities to experience and enhance the state's natural and cultural heritage including prairies, forests, wetlands, wildlife habitat, historic communities and other resources; and

Whereas, trails contribute to the state's economy, attractiveness for business and quality of life through tourism and making Illinois' communities more livable; and

Whereas, trails contribute to Illinoisans' mental, physical and social well-being by providing places to exercise, experience the outdoors and spend quality time with family and friends; and

Whereas, trails provide safer, alternative means of transportation within and between Illinois' communities, reducing the need for vehicle travel and the demand for gasoline; and

Whereas, trails, as an adaptive reuse of abandoned railroad rights-of-way, represent an efficient and effective means to maintain these corridors for possible future use as transportation or utility routes; and

Whereas, the Grand Illinois Trail embodies all of the above attributes and represents a model public-private partnership to complete a 475-mile trail loop from Lake Michigan to the Mississippi River and back; and

Whereas, the Illinois Chapter of the Rails-to-Trails Conservancy, accompanied by the Illinois Trailriders and other trail proponents, has embarked upon the "Grand Adventure," the first circuit of the Grand Illinois Trail, beginning on May 11, 1996 and ending June 1, 1996 at its "Grand Finale" on the Illinois Prairie Path; and

Whereas, June 1, 1996 is the celebration of National Trails Day;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1, 1996 as ILLINOIS TRAILS DAY.

Issued by the May 31, 1996.

Filed by the Secretary of State June 7, 1996.

96-263

ROWLAND "POLEY" HOFFMAN DAY

Whereas, Rowland "Poley" Hoffman was born in Peoria County, but he has lived in Tazewell County since 1920; and

Whereas, he is a graduate of the Caterpillar Apprentice Program, Alexander Hamilton Business School and Bradley University; and

Whereas, his admirable career at Caterpillar has spanned 47 years, and he spent 43 of those years in management assignments; and

Whereas, though he put much time and effort into his career at Caterpillar, he also put just as much energy into community activities such as the Rotary, YMCA, Heart of Illinois United Way, Peoria and East Peoria Chambers of Commerce, the American Society of Safety Engineers and the National Safety Council; and

Whereas, Rowland "Poley" Hoffman is a spiritual and devoted family man. He and his wife, Donna, are active members of Grace Presbyterian Church of Peoria and they have a daughter, Jerilyn, a son-in-law, Dick, and three

grandchildren; and

Whereas, he has been a registered Republican for over 58 years, he has actively supported the Republican Party, and he was chosen to lead the Tazewell County Republican Central Committee in 1990; and

Whereas, a reception will be held in honor of the Hoffmans from 3-5 p.m. June 2 at the Countryside Banquet Facility in Washington, IL;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 2, 1996, as ROWLAND "POLEY" HOFFMAN DAY in Illinois in recognition and appreciation of his efforts on behalf of the Tazewell County Republican Party and the citizens of this state.

Issued by the Governor May 31, 1996.

Filed by the Secretary of State June 7, 1996.

96-264

CLYDE W. JONES COMMEMDED

Whereas, Clyde W. Jones was born in Alton, Illinois, on August 2, 1938, graduated from Alton Senior High in 1956, and married Joan Elkins in 1957; and

Whereas, he joined the Army Reserve in 1961, attended Basic Training and Artillery AIT at Fort Sill, Oklahoma, and was appointed a Warrant Officer in 1966; and

Whereas, he accrued 30 years of dedicated service as a civilian employee of the Federal Government and has served in various positions ranging from mechanic to Supervisor to Chief of Maintenance to Chief of Logistics, and finally, to Supervisory Staff Administrator (SSA) of the 102nd U.S. ARCOM; and

Whereas, he has served for 35 years as a dedicated member of the U.S. Army Reserve, and during his tenure has served in various positions of increasing responsibility, while rising to the grade of CW4; and

Whereas, in addition to his civilian and military occupations, Clyde has actively participated in community affairs, serving as a school board member in Bethalto, Illinois, from 1964 to 1986, as Village Trustee from 1982 to 1986, as a member of the Alton Vocational Advisory Board from 1970 to 1986, and in 1991, in recognition of his many contributions to the organization, was elected as the Governor of District 646 of Rotary International;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Clyde W. Jones for his hard work and dedication in addition to his accomplishments and offer my best wishes for continued success.

Issued by the Governor June 3, 1996.

Filed by the Secretary of State June 7, 1996.

96-265

GORDON DALLON BUSH COMMEMDED

Whereas, Gordon Dallon Bush is a lifelong resident of East St. Louis and is the son of Rev. Claude A. Bush and the late Lillian B. Bush, and a 45 year member of the Greater New Hope Baptist Church; and

Whereas, he has been married to Brenda L. Bush for 25 years and they have two children, Tami and Dallon; and

Whereas, Gordon Dallon Bush has an illustrious political career as elected City Commissioner, elected City Treasurer, twice elected St. Clair County Board of Review and twice elected Mayor of East St. Louis; and

Whereas, Mayor Gordon Dallon Bush retired in 1995 as a Lieutenant Colonel

in the U.S. Army Reserve with 29 years of meritorious service and was named U.S. Army Reserve Officer of the Year in 1987; and

Whereas, Mayor Gordon Dallon Bush worked very closely with this administration to bring forth the biggest economic development project in the city's history - Her Majesty the Casino Queen Riverboat of East St. Louis; and Whereas, Mayor Gordon Dallon Bush is a graduate of East St. Louis Sr. High School and SIU-E with a Bachelor of Science Degree and Master of Arts in City Planning; and

Whereas, Mayor Gordon Dallon Bush holds the highest degree in Masonry - the 33rd, and holds Life Memberships with the NAACP, Kappa Alpha Psi Fraternity and the U.S. Army Reserve Officers Association;.

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Gordon Dallon Bush for his hard work and dedication in addition to his accomplishments and offer my best wishes for continued success.

Issued by the Governor June 3, 1996.

Filed by the Secretary of State June 7, 1996..

96-266

HUNGARY DAY

Whereas, June 15, 1996, the Hungarian community is commemorating the 1100th Anniversary of Hungary; and

Whereas, in 896 A.D., tribes led by Arpad crossed the Vereckei Straight into the Carpathian Basin and founded Hungary; and

Whereas, Hungarian Americans have proudly shared their culture, heritage and talents with our state; and

Whereas, this event is of special importance to all of the people of Illinois and especially to its citizens of Hungarian descent; and

Whereas, the festival is sponsored by Chicago Hungarian churches and organizations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 15, 1996, as HUNGARY DAY in Illinois in honor of their 1100th anniversary and offer my best wishes for a prosperous future.

Issued by the Governor June 3, 1996.

Filed by the Secretary of State June 7, 1996.

96-267

ORDER SONS OF ITALY AND ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY

Whereas, the Order Sons of Italy in America is the largest organization of Americans of Italian descent; and

Whereas, in addition to preserving and sharing the rich cultural heritage of Italy with all Americans, it also promotes the image of Italian Americans within the frame-work of American society through its involvement in community, charitable, educational, cultural, social, youth and civic activities; and

Whereas, the Order has approved the adoption of Alzheimer's Disease as one of its primary charities and plans to support this cause by implementing a fund raising "coin drop" campaign throughout the state and local chapters across the nation; and

Whereas, the date chosen for this event is June 1, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June

1, 1996, as ORDER SONS OF ITALY AND ALZHEIMER'S ASSOCIATION "PARTNERS IN PROGRESS" DAY in Illinois in honor of this notable contribution to community and offer my best wishes for continued success.

Issued by the Governor June 3, 1996.

Filed by the Secretary of State June 7, 1996.

96-268

SUNSHINE FOUNDATION MONTH

Whereas, this is the 20th year in which the Sunshine Foundation is fulfilling dreams of chronically and terminally ill children with "Dreamlifts," visits with celebrity heroes, special gifts or visits to its Dream Village in Florida; and

Whereas, more than 21,000 children from 50 United States and many foreign countries have had their dreams realized in the last 19 years; and

Whereas, and the Sunshine Foundation believes that each special child should realize at least one "dream come true" in his or her lifetime; and

Whereas, the Sunshine Foundation is a volunteer organization that spends 88 percent of the funds it raises on the chronically or terminally ill children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1996 as SUNSHINE FOUNDATION MONTH and urge all of our citizens to support the efforts of this worthy charitable endeavor.

Issued by the Governor June 3, 1996.

Filed by the Secretary of State June 7, 1996.

96-269

DAVID F. HODNIK/CITY OF HOPE DAY

Whereas, City of Hope National Medical Center is a leader in the research and treatment of several devastating diseases; and

Whereas, City of Hope was founded upon what it calls four cornerstones - ground-breaking scientific research, innovative medical treatment, compassionate patient care and generous donors and volunteers; and

Whereas, City of Hope is the charity of the hardware/home improvement industry; and

Whereas, David F. Hodnik, President and CEO of Ace Hardware Corporation is this year's guest of honor for the 15th annual "Spirit of Life" award dinner; and

Whereas, David F. Hodnik has helped build on City of Hope's tradition of giving;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 13, 1996, as DAVID F. HODNIK/CITY OF HOPE DAY in Illinois.

Issued by the Governor June 4, 1996.

Filed by the Secretary of State June 7, 1996.

96-270

GARDEN WEEK

Whereas, the Garden Clubs of Illinois, in cooperation with the National Council of State Garden Clubs, is promoting National Garden Week in Illinois; and

Whereas, it is setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and
 Whereas, among Garden Week activities are educational programs, environmental cleanup, community beautification, flower shops, garden walks, youth activities, and workshops; and
 Whereas, the Garden Clubs of Illinois is a non-profit organization with more than 9,000 members and 250 clubs throughout Illinois; and
 Whereas, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state's natural treasures and to expand and share our knowledge for the betterment of the environment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 2-8, 1996, as GARDEN WEEK in Illinois.

Issued by the Governor June 4, 1996.

Filed by the Secretary of State June 7, 1996.

96-271

INTERNATIONAL HIGHWAY TRANSPORTATION SAFETY WEEK

Whereas, everyone in the State of Illinois is dependent on our roads and highways for personal transportation and for the delivery of goods and services; and

Whereas, drivers of cars, vans, pick-up trucks and commercial vehicles must safely coexist on those roads and highways; and

Whereas, there are far too many highway crashes resulting in lost lives, serious injuries and property damage; and

Whereas, the Illinois Department of Transportation, the Office of the Secretary of State and the Illinois State Police are joining the U.S. Department of Transportation's Federal Highway Administration and safety agencies throughout the United States and Canada in a special driver educational effort to reduce crashes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 3-7, 1996, as INTERNATIONAL HIGHWAY TRANSPORTATION SAFETY WEEK in Illinois and urge all citizens to recognize this event by reemphasizing their dedication and commitment to the safety and well-being of all those with whom they must share the road safely.

Issued by the Governor June 4, 1996.

Filed by the Secretary of State June 7, 1996.

96-272

KIDS FEST '96 DAYS

Whereas, Kids Fest '96 is an event that represents two days of exhibits and activities designed to be fun and educational for families with children; and

Whereas, this event is sponsored by Anjesco Publishing Company, publishers of Kids Plus Magazine; and

Whereas, this event is intended to improve the quality of life and learning for our children and their ongoing commitment to the strengthening of families; and

Whereas, the event will host over 100 vendors and exhibitors, in addition to four interactive exhibits; and

Whereas, this event will take place on August 3-4, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 3-4, 1996, as KIDS FEST '96 DAYS in Illinois.

Issued by the Governor June 4, 1996.

Filed by the Secretary of State June 7, 1996.

96-273

RUTH DELATOUR THOMAS DAY

Whereas, Ruth DeLatour Thomas is a woman of great integrity, wisdom and determination; and

Whereas, Ruth attended the University of Illinois to achieve a higher education at a time when few women sought a college education; and

Whereas, Ruth Thomas' great personal attribute is her sense of optimism and positive attitude, which have permitted and directed all her actions throughout her 90 years; and

Whereas, Ruth is the loving and dedicated wife of Lucius A. Thomas, her college sweetheart, who cherishes her still; and

Whereas, Ruth Thomas has nurtured three daughters, Jeanne, Patti, and Kathy, to be successful, independent women; and further, is adored by all family members including her sons-in-law Bob Bubb, Bob Kustra and John Nack; and her grandchildren, Patti, Tom, Steve, John, Matt, Lan, Jonathon, and Katie; and her great-grandchildren, Joshua, Jeffrey, Jaime, Katie, Andrew, Jacob, Daniel, Timothy and Sarah; and

Whereas, Ruth DeLatour Thomas is celebrating her 90th birthday on June 16, 1996; and

Whereas, it is right and proper to acknowledge her as she celebrates decades of accomplishments, hard work and dedication to her family, friends and community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 16, 1996, as RUTH DELATOUR THOMAS DAY in Illinois in honor of her 90th birthday and offer my best wishes for a wonderful birthday celebration.

Issued by the Governor June 5, 1996.

Filed by the Secretary of State June 7, 1996.

Rules acted upon during the quarter of April 1 through June 30, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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